

CANADIAN
PATENT OFFICE
PRACTICE

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CANADIAN PATENT OFFICE PRACTICE

DEFINITIONS FOR GUIDANCE IN PREPARING AND
PROSECUTING APPLICATIONS AND OTHER
PROCEEDINGS RELATING TO PATENTS

BY

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CHIEF CLERK OF THE CANADIAN PATENT OFFICE

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by

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INTRODUCTION

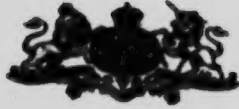
It may be in the first place explained, that the object of this compilation is intended for the use of those interested in taking out patents for inventions in Canada; and particularly to furnish definitions to facilitate the work of inventors, patentees, attorneys and others interested; and also at the same time to simplify the work in the Patent Office itself by lessening the complications arising from defective applications.

The text of the Patent Act itself is given in full, with annotations by paragraphs, in order to make clear those points, on which it has been found, in practice, that misconceptions and consequent errors, have arisen, causing trouble, delay; and oftentimes resulting in failure.

The official forms issued by the Patent Office, are given, with marginal notes, in relation to the insertion of details applicable to special cases.

The definitions which are given to various sections of the Patent Act, are only those which have been established by practice in the Patent Office, and no attempt has been made to interpret the Act. It may be added that no comment has been made on those sections of the Act which refer to questions which do not come within the province of the Office. The sole object of the compilation has been, to facilitate the preparation and prosecution of applications for patents and other actions before the Patent Office.





CHAPTER 69.

An Act respecting Patents of Invention.

SHORT TITLE.

1. This Act may be cited as the Patent Act. R. S., c. 61, s. 1.

INTERPRETATION.

2. In this Act, unless the context otherwise requires,—
 - (a) 'Minister' means the Minister of Agriculture;
 - (b) 'Commissioner' means the Commissioner of Patents, and 'Deputy Commissioner' means the Deputy Commissioner of Patents;
 - (c) 'invention' means any new and useful art, machine, manufacture or composition of matter, or any new and useful improvement in any art, machine, manufacture or composition of matter;
 - (d) 'legal representatives' includes heirs, executors, administrators and assigns or other legal representatives. R.S., c. 61, s. 2.

PATENT OFFICE AND APPOINTMENT OF OFFICERS. PATENT OFFICE CONSTITUTED.

3. There shall be attached to the Department of Agriculture, as a branch thereof, an office which shall be called the Patent Office; and the Minister of Agriculture for the time being shall be the Commissioner of Patents. R.S., c. 61, s. 3.

DUTIES OF COMMISSIONER.

4. The Commissioner shall receive all applications, fees, papers, documents and models for patents, and shall perform and do all acts and things requisite for the granting and issuing of patents of invention; and he shall have the charge and custody of the books, records, papers, models, machines and other things belonging to the Patent Office. R.S., c. 61, s. 4.

DEPUTY AND OFFICERS.

5. The Deputy Minister of Agriculture shall be the Deputy Commissioner, and the Governor in Council may, from time to time, appoint such officers and clerks under the Deputy Commissioner as are necessary for the purposes of this Act, and such officers and clerks shall hold office during pleasure.

2. The Deputy Commissioner may do any act or thing, whether judicial or ministerial, which the Commissioner of Patents is authorized or empowered to do by any provision of this Act; and, in the absence of the Deputy Commissioner, any person performing the duties of the Deputy Minister of Agriculture under the authority of the Civil Service Act may, as acting deputy commissioner, do any such act or thing. 60-61 V., c. 25, s. 1; 3 E. VII., c. 46, s. 1.

CORRESPONDENCE.

All business with the Patent Office should be transacted in writing and communications should be addressed to the "Commissioner of Patents, Ottawa, Canada," and, if posted at any Post Office within the limits of Canadian territory, will be conveyed through the mails free of charge.

Correspondence with the Patent Office may be carried on either with the inventor, his assignee or his attorney, but only with one person; and in all cases the depositor of any paper is responsible for the merits of his allegations, and the validity or sufficiency of the instruments furnished by him.

All communications from the Patent Office bear a serial number. This number should be quoted in all subsequent actions or correspondence, with the office, when relating to the same subject.

**PRELIMINARY SEARCHES AND INQUIRIES AS TO
PATENTED INVENTIONS.**

The Patent Office always declines to respond to inquiries as to the patentability of an alleged invention in advance of a regularly filed application for patent accompanied by the required fee (for tariff of fees see page 61); also to inquiries founded on brief or imperfect descriptions with a view of ascertaining whether alleged inventions or improvements have been patented, unless the name of the inventor be given.

**PATENT OFFICE REFUSES ACTING AS EXPOUNDER OF
LAW OR IN RECOMMENDING ATTORNEYS.**

The Patent Office further declines to act as an expounder of the Patent Law, or as counsellor for individuals, except as to questions within the office, or to advise inventors or others in the selection of an attorney. Unless an inventor is competent to prepare his papers and drawings for an application for patent, he should employ a skilled attorney, as the value of a patent is largely based upon the ability and clearness with which the specification and claims have been prepared. Speaking generally, it is greatly in the interest of the inventor, and the Patent Office, to seek the services of an attorney possessed of technical knowledge and experienced in practice, in order that an applicant for a patent may obtain the fullest protection to which he is entitled. The Patent Office cannot advise or assist an applicant in the preparation of his application for patent, or, the framing of other documents.

A personal appearance of the applicant, or his representative, at the Patent Office is not required, unless specially called by the Commissioner.

NO REGISTRATION OF PATENT ATTORNEYS.

There is no provision in the Patent Act or Rules of Practice for the registration of patent attorneys; therefore any person qualified to act in such capacity may do so without the intervention of an attorney resident in Canada. When an attorney prepares and presents an application for a patent afterwards assigned, the assignee may appoint a new attorney. A power of attorney may at any time while the application is pending, be revoked, and the applicant may prosecute the same or appoint a new attorney.

POWERS OF ATTORNEY.

After a patent has been granted the powers given to an attorney cease and determine for any subsequent action by the office, such as in the cases of presenting a petition under Sections 39, 40 or 44 of the Patent Act; therefore petitions under the Sections named must be signed by the patentee or owner of the patent unless a new power of attorney is filed authorizing the same attorney or another person to do so. An exception, however, is made in presenting a petition to have a patent brought under Section 44 (Compulsory License Clause). If the application is made by any person on behalf of the owner of the patent, instead of by the owner himself, it must be accompanied by an authorization from such owner to that effect; or production of the original patent will be considered by the Patent Office sufficient evidence of authorization.

MISCELLANEOUS CASES, HOW TO BE DECIDED.

All cases connected with the intricate and multifarious proceedings arising from the working of the Patent Office, which are not specially defined and pro-

vided for in the Rules of the Patent Office, will be decided in accordance with the merits of each case under the authority of the Commissioner; and such decision will be communicated to the interested parties in writing.

SEAL.

6. The Commissioner shall cause a seal to be made for the purposes of this Act, and may cause to be sealed therewith every patent and other instrument and copy thereof issuing from the Patent Office. R.S., c. 61, s. 6.

(See also Sections 22, 35 and 60, pages 33, 43 and 68.)

APPLICATIONS FOR PATENTS.

7. Any person who has invented any new and useful art, machine, manufacture or composition of matter, or any new and useful improvement in any art, machine, manufacture or composition of matter, which was not known or used by any other person before his invention thereof, and which has not been in public use or on sale with the consent or allowance of the inventor thereof, for more than one year previously to his application for patent therefor in Canada, may, on a petition to that effect, presented to the Commissioner, and on compliance with the other requirements of this Act, obtain a patent granting to such person an exclusive property in such invention.

2. No patent shall issue for an invention which has an illicit object in view, or for any mere scientific principle or abstract theorem. R.S., c. 61, s. 7.

An application for patent may be made by the inventor, joint inventors, assignee, or, in the event of the inventor being dead, his legal representative, and shall be composed of the following documents:—

(1) Petition to the Commissioner of Patents. Form (1), (2), (3), (4) or 5, pages 74, 75, 76, 77 and 78.

(2) Oath. Form (12), (13), (14) or (15), pages 91, 92, 94 and 95.

(3) Power of attorney (if an attorney is employed). Form (7) page 80.

(4) Specification and Claims (in duplicate). Form (9), (10) or (11), pages 82, 85 and 89. Instructions on page 20.

(5) Drawings on tracing linen (in duplicate). See instructions on pages 22, 23 and 24.

(6) Drawings on double bristol board. See instructions on pages 22 and 23.

(7) Third copy of claim or claims. See page 19.

(8) A covering letter enclosing the statutory fee and enumerating the enclosures.

(9) Assignment with copy and recording fee \$2.00 (if a part or the whole of the invention is assigned).

DOCUMENTS.

All documents must be legibly and neatly written; typewritten or printed in either the English or French language on but one side of foolscap paper (8 x 13 inches), with margin of one inch and a half wide upon the left hand side of the page. When a specification is typewritten the ribbon copy must be attached to the petition, oath and power of attorney to remain of record in the Patent Office; the carbon copy to be attached to the patent.

WHAT MAY NOT BE PATENTED.

No patent may be granted for an invention, the use of which is contrary to law or morality, or for a mere scientific principle.

INSANITY OF INVENTOR.

In case an inventor becomes insane, the application may be made by, and the patent issued to, his legally appointed guardian or representative, who will make the oath.

DEATH OF INVENTOR.

In the case of the death of the inventor during the time intervening between the filing of the application and the granting of a patent thereon, the patent will issue to the executor or administrator upon the filing of a certified copy of the letters of administration or letters testamentary.

If an inventor dies without making an application for a patent for an invention, his legal representative may apply for a patent for such invention.

MEDICAL COMPOUNDS.

The Patent Office refuses to grant patents for medical compounds, on the ground that they do not involve invention, and are no more than prescriptions a physician might make.

The Patent Office usually advises applicants, or persons enquiring before making application, who have medical compounds to protect, to adopt a trade mark, and register the same under which the particular preparation may be sold. When making application for the registration of a trade mark, it does not become necessary to disclose the formula.

On application to "The Minister of Agriculture (Trade Mark and Copyright Branch), Ottawa, Canada," the Act governing trade marks and the rules and forms appertaining thereto will be gratuitously furnished.

APPLICATION RESTRICTED TO ONE INVENTION UNLESS CONNECTED.

An application for a patent must be restricted to one invention, unless separate matters are represented to be so dependent on, and connected with, each other, as to be necessarily taken together to obtain the end

sought for by the inventor. The Commissioner of Patents is to be the judge whether or not the pretensions of the applicant in such respect may be entertained.

IF APPLICATION CONTAINS MORE THAN ONE INVENTION.

If an application is found to contain two or more separate inventions the Patent Office will so advise the applicant and he will be requested to divide it, retaining in the pending application whichever invention he may elect. The other invention or inventions may be made the subject matter of separate applications, which must conform to the rules and forms applicable to original applications and be accompanied by the usual statutory fees. The divisional application or applications will be entered and considered as of the same date of filing as the original application; and thus come within the provisions of Section Eight of the Patent Act, should the invention have been patented elsewhere, more than one year. The specifications should contain a reference to the original application by giving its date of filing and serial number.

NOVELTY OF INVENTION.

Under the foregoing section of the Patent Act, an invention, to be susceptible of being patented, must possess novelty elsewhere, as well as in Canada.

INCOMPLETE APPLICATION.

An informal or incomplete application will not be referred to the examiner until it is made to conform with the requirements of the Patent Act and the Rules

and Forms; therefore, no protection is afforded the applicant as regards what may have subsequently been filed of a similar nature and receiving the consideration of the examiner. Applicants to whom papers have been returned as informal should not delay too long in returning them to the Patent Office.

STOP ORDERS.

When an applicant desires to delay action, after his application has been referred to the examiner, he or his attorney may request in writing a "stop-order" placed thereon; and all action will be suspended until the order is removed; unless the delay may injure the rights of another applicant having filed an application for a similar invention, in which case the Commissioner may request the immediate removal of the "stop-order."

When a "stop-order" has been entered on an application it should not be allowed to remain for more than twelve months from the date of the acknowledgment of the filing of the application for patent, or the date of the examiner's last report, if there be one in the case; otherwise the application will be considered abandoned, with forfeiture of all fees paid.

APPLICATIONS WITHOUT FEES.

Applications for patents sent to the Patent Office, unaccompanied by the fee provided by law, will receive no official recognition; nor will they be filed or numbered. They will merely be pigeon-holed; and only marked filed the day on which the fee has been received.

FILING DATE CONDITIONS.

Under the present practice of the Patent Office, the filing of the Petition, Oath, and Power of Attorney (if

an attorney is employed), together with the statutory fee, payable at par, at Ottawa, will ensure for the applicant a filing date as of the day they are received at the Patent Office. The specification and drawings to follow with as little delay as possible. But no reference to the Examiner will be made until the application is complete in every particular.

ABANDONED APPLICATION.

When an application for a patent has become abandoned by failure to complete or prosecute the same, the Commissioner may, under the power given to him by the ninth rule of the Rules and Forms of the Patent Office, reinstate the application and order it, if otherwise in condition, to be referred to the Examiner. Before, however, exercising this discretionary power, the Commissioner must be satisfied, after sufficient proof has been filed in writing, that the cause of the delay was not the fault of the applicant. In some cases the Commissioner may exact that the statement of facts or proof be supported by an affidavit; or, in the case where the delay has occurred through prolonged illness of the applicant, that a medical certificate be adduced. No fee is exacted for the reinstatement of an application.

AS TO INVENTIONS FOR WHICH FOREIGN PATENTS HAVE BEEN TAKEN OUT.

8. Any inventor who elects to obtain a patent for his invention in a foreign country before obtaining a patent for the same invention in Canada, may obtain a patent in Canada, if the patent is applied for within one year from the date of the issue of the first foreign patent for such invention.

2. If within three months after the date of the issue of a foreign patent, the inventor gives notice to the Commissioner of his

intention to apply for a patent in Canada for such invention, then no other person having commenced to manufacture the same device in Canada during such period of one year, shall be entitled to continue the manufacture of the same after the inventor has obtained a patent therefor in Canada, without the consent or allowance of the inventor.

3. No Canadian patent issued previous to the thirteenth day of August, one thousand nine hundred and three, shall be deemed to have expired before the end of the term for which it was granted merely because of the expiry of a foreign patent for the same invention. 55-56 V., c. 24, s. 1; 3. E. VII., c. 46, s. 2.

WHEN A FOREIGN PATENT HAS BEEN ISSUED.

An application for a Canadian patent, corresponding with a foreign patent, must be filed within one year from the date of *issue* or *sealing* of the first issued foreign patent; and will be received up to and including the anniversary date, providing that the application is accompanied by the statutory fee, payable at par in Ottawa.

APPLICANT RESPONSIBLE FOR DELAY IN TRANSMISSION.

An application for patent or payment of fee takes effect only when it is actually received at the Patent Office, although it may have been delayed in transmission through the fault of the postal service. The applicant must take upon himself the risk of the mode of transmission; consequently, it is unwise to delay mailing the application and fee until a day or two before the expiry of the year mentioned in the preceding section of the Patent Act.

NOTICE OF INTENTION TO APPLY FOR PATENT.

The notice as above and as defined in sub-section 2 of the Act, may be filed at the Patent Office any time

within three months after the issue of the earliest corresponding foreign patent; and must be accompanied by the prescribed fee of \$2.00.

In a case of a foreign patent dated, as of the date of the filing of the application the aforesaid three months period commences to run from the date of the issue or sealing of such patent.

The filing of an application for patent in Canada for an invention covered by a foreign patent, not issued more than three months previous, does not take from the inventor the right of also filing the notice, above defined.

Frequent demands are made on the Patent Office, to extend the time of a "Notice", or grant a delay longer than twelve months, to file the application for patent, but it is obvious that the Commissioner has not this discretionary power, in view of the terms of Section Eight of the Patent Act, requiring that the Canadian application should be filed within twelve months from the date of the issue of the corresponding foreign patent.

The Patent Office does not prescribe any specific form for giving notice of intention to apply for a patent; the notice, however, should cite the first issued foreign patent, by giving the number, date, name of patentee and title of invention.

EXPIRY OF FOREIGN PATENT.

The expiry of a foreign patent for the same invention does not affect the life of the Canadian patent.

IMPROVEMENTS MAY BE PATENTED.

9. Any person who has invented any improvement on any patented invention, may obtain a patent for such improvement; but he shall not thereby obtain the right of vending or using

the original invention, nor shall the patent for the original invention confer the right of vending or using the patented improvement. R.S., c. 61, s. 9.

**OATH OF INVENTOR TO BE MADE BEFORE OBTAINING
PATENT.**

**OR OF THE APPLICANT IF THE INVENTOR IS DEAD.
BEFORE WHOM OATH MAY BE MADE.**

10. Every inventor shall, before a patent can be obtained, make oath, or, when entitled by law to make an affirmation instead of an oath, shall make an affirmation, that he verily believes that he is the inventor of the invention for which the patent is asked, and that the several allegations in the petition contained are respectively true and correct.

2. In the event of the inventor being dead, such oath or affirmation shall be made by the applicant, and shall state that he verily believes that the person whose assignee or legal representative he is, was the inventor of the invention for which the patent is solicited, and that the several allegations in the petition contained are respectively true and correct.

3. Such oath or affirmation may be made before a minister plenipotentiary, *chargé d'affaires*, consul, vice-consul or consular agent, a judge of any court, a notary public, a justice of the peace, or the mayor of any city, borough or town, or a commissioner for taking affidavits having authority or jurisdiction within the place where the oath may be administered. R.S., c. 61, s. 10; 55-56 V., c. 24, s. 2.

When the invention has been assigned before the issue of patent, the oath must be made by the inventor and not by the assignee. If the inventor is dead, the administrator or executor will take the oath that the person named as inventor was the inventor. If the application be made by the guardian or representative of an insane person, the form of oath will be correspondingly changed. If one or more patents are granted for the same invention in foreign countries the oath should cite each of such patents, by giving the number

and date, but no reference should be made therein to pending applications in foreign countries at the time the oath is made. An oath executed more than three months previous to the filing of the application for patent will not be accepted by the Patent Office; and will be returned for a new oath.

In a case where joint inventors are not residing in the same place, and that it is not convenient for them to take the oath before the same officer, they may each be sworn at their respective places of residence before different officers, but both executions should appear on the same document.

It is defined in Sub-Section 3 of Section 10, above quoted, before whom the oath or affirmation should be taken. For forms of Oaths see pages 91, 92, 94 and 95.

ELECTION OF DOMICILE.

11. The applicant for a patent shall, for the purposes of this Act, elect his domicile at some known and specified place in Canada, and shall mention the same in his petition for a patent. R.S., c. 61, s. 11.

See Section 35, page 43 of the Patent Act for particulars respecting the above requirement.

PARTICULARS REQUIRED ON APPLICATION.

12. The applicant shall, in his petition for a patent, insert the title or name of the invention, and shall, with the petition, send in a specification in duplicate of the invention and an additional or third copy of the claim or claims. 56 V., c. 34, s. 1.

The title of the invention must be the same wherever it appears in the papers, constituting the application for patent. Titles with fancy or trade names are not allowable. The practice of including the power of

attorney in the petition is not encouraged by the Patent Office; it should form a separate document. See form 7 on page 80.

An additional or third copy of claim or claims, free from the title of the invention, names or date, must be furnished with the petition for patent; and such claims should be commenced about five inches from the top of the first page, to permit the insertion by the Patent Office of other matter required for the printer.

WHAT THE SPECIFICATIONS AND DRAWINGS SHALL SHOW.

13. The specification shall correctly and fully describe the mode or modes of operating the invention, as contemplated by the inventor; and shall state clearly and distinctly the contrivances and things which he claims as new and for the use of which he claims an exclusive property and privilege.

2. Such specification shall bear the name of the place where, and the date when it is made, and shall be signed by the inventor, if he is alive, and if not, by the applicant, and by two witnesses to such signature of the inventor or applicant.

3. In the case of a machine the specification shall fully explain the principle and the several modes in which it is intended to apply and work out the same.

4. In the case of a machine, or in any other case in which the invention admits of illustration by means of drawings, the applicant shall also, with his application, send in drawings in duplicate, showing clearly all parts of the invention; and each drawing shall bear the signature of the inventor, if he is alive, and, if not, of the applicant, or of the attorney of such inventor or applicant, and shall have written references corresponding with the specification; but the Commissioner may require further drawings or dispense with any of them, as he sees fit.

5. One duplicate of the specification and of the drawings, if there are drawings, shall be annexed to the patent, of which it shall form an essential part, and the other duplicate shall remain deposited in the Patent Office.

6. The Commissioner may, in his discretion, dispense with the duplicate specification and drawing, and in lieu thereof cause copies of the specification and drawing, in print or otherwise, to be attached to the patent, of which they shall form an essential part. R.S., c. 61, s. 13.

SPECIFICATION.

The specification, as all other documents, must be legibly written, printed or typewritten, with permanent ink, on one side only of sheets of strong white paper, 8 inches by 13 inches. At the top of the first page of the specification, a space of at least four inches should be left blank. In the preamble, after stating the name and residence of the applicant and the title of the invention, the numbers and dates of any corresponding foreign patents and the name of the country should be inserted; followed by a statement of the object of the invention. The specification must correctly and fully describe the mode or modes of operating the invention; concluding with a specific and distinct claim or claims of the part or parts, improvement, or combination, which the applicant regards as his invention or discovery. The specification is required to be in such full, clear and exact terms as to enable any person skilled in the art or science to which the invention or discovery appertains, to make, construct, compound or use the same without needing to make additional discovery or invention.

CLAIMS.

The claims should not be made for the efficiency or advantages of the invention, nor should there be any reference from one claim to another. Each claim should set forth a combination of elements which is complete and operative, either for the whole operation

or for some necessary part of such operation. If the state of the art allows, the claims may be sufficiently general to cover the preferred and modified constructions, but only one form may be claimed specifically. If an applicant wishes to claim the modified forms specifically, he must set them forth in separate applications. At the end of the claims must appear the execution, consisting of the place where executed, and the date, the signatures of the inventor and two witnesses; and such might preferably appear at the top of a separate sheet of paper from that containing the last claim.

AMENDMENTS.

Amendments must be made on new sheets of paper containing the amended matter, and ready for insertion, and not on the sheets containing the matter to be amended. These new sheets must be supplied in duplicate for the specification, and in triplicate for the claims, and accompanied by a covering letter pointing out what amendments have been made, and the patentable novelty which the applicant believes the case presents in view of the state of the art disclosed by the references cited, or the objections made by the Patent Office. He must also show how the amendments avoid such reference or objections. The applicant has right to amend before or after the first rejection or action, and he may amend as often as the Examiner presents new reference or reasons for rejection. The specification must be amended and revised when required by the Patent Office to correct inaccuracies of description or unnecessary prolixity.

The specification including the claims must be in duplicate, and in addition, a third copy of the claims alone must be furnished. (See page 19).

As amendments to applications for Patents are, in most cases, confined to the claims, necessitating the preparation of new sheets to be substituted for those containing cancelled or amended matter, it is suggested that the claims, headed by such an expression as "*What I Claim is,*" be commenced on a separate sheet from that containing the specification proper.

Erasures, additions, insertions or mutilations of the papers and records must not be made by the applicant after the papers have become a part of the official files.

Prosecution of an application, to save it from abandonment, must include such proper action as the condition of the case may require.

DRAWINGS.

Drawings must be furnished in triplicate, two on tracing linen and one on double bristol board, all eight by thirteen inches. Each sheet of tracing linen shall contain the following certificate at the bottom: "Certified to be the drawing referred to in the specification hereunto annexed;" and signed by the inventor or his attorney, in the presence of two witnesses to which must be added the place and date. The drawing on bristol board should contain no execution or certificate on its face, but merely the usual reference letters; yet on the back of each sheet the name of the inventor and the title of the invention must be written in pencil.

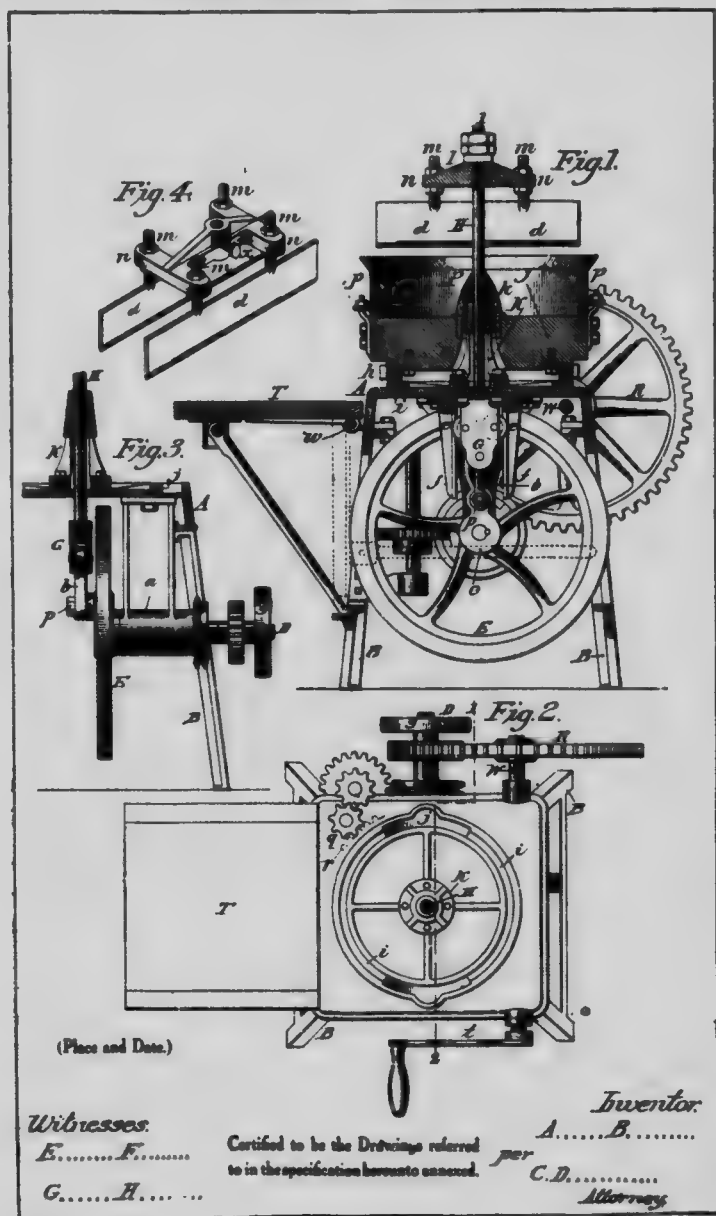
All drawings must be clear, sharp, well defined, not too fine, and perfectly black. Sections and shading should not be represented by solid black or washes. Reference letters or figures must be clear and distinct.

The same letters should be used in different views of the same parts. Where the reference letters are shown outside the figure, they must be connected with the parts referred to by faint indicating lines. Each drawing must show every feature of the invention covered by the claims. If there are more figures than can be conveniently shown on the regulation size (8 x 13) (leaving a margin of one inch on the four sides) two or more sheets may be used bearing the prescribed certificate and execution as on the first sheet. The figures should be numbered consecutively throughout and without regard to the number of sheets. There is no limit to the number of sheets that may be filed, but no more sheets should be employed than is absolutely necessary. No change in the drawing may be made except by written permission of the Patent Office.

When an attorney is employed he may sign the name of the inventor on the drawing, adding his own signature as attorney in fact.

The drawing on bristol board should be rolled on a roller, or enclosed in a mailing tube, or flat, protected with mill-board for transmission to the Patent Office, as folding will prevent its usefulness for photo-lithographing.

The above section of the Patent Act, Sub-Section 6 gives the Commissioner of Patents power to dispense with the duplicate specification and drawing, or the drawings on tracing linen and exacts only the drawing on bristol board; but this power is not at present exercised as the Patent Office has not yet undertaken to print the specifications and drawings of patents.



MODELS OR SPECIMENS TO BE FURNISHED WHEN REQUIRED.

14. In all cases in which the invention admits of representation by model, the applicant, if required by the Commissioner, shall furnish a model of convenient size exhibiting its several parts in due proportion; and when the invention is a composition of matter, the applicant, if required by the Commissioner, shall furnish specimens of the ingredients, and of the composition, sufficient in quantity for the purpose of experiment.

2. If such ingredients or composition be of an explosive or dangerous character, they shall be furnished with such precautions as are prescribed in the requisition therefor. 55-56 V., c. 24, s. 3.

Models or specimens of ingredients are rarely called for, and should not be sent to the Patent Office unless required by the Commissioner; but when models are exacted they must be neat and substantial working ones, of a convenient size; and must bear the name of the inventor and serial number of the application. All charges for the carriage of models to the Patent Office must be prepaid; and after such models have served their purpose they will be returned to the sender on request at his expense.

EXAMINATION OF APPLICATIONS FOR PATENTS.

15. On each application for a patent, a thorough and reliable examination shall be made by competent examiners to be employed in the Patent Office for that purpose. 55-56 V., c. 24, s. 8.

When an examiner has made his final rejection of one or more, or all of the claims in an application for patent, and after stating the ground or reason therefor, the applicant has, under the present practice of the Patent Office, the right to appeal to the Deputy Commissioner of Patents from such decision.

The appeal should be in the form of a petition headed "Appeal to the Deputy Commissioner of Patents in person from the decision of the Examiner," and should clearly and specifically set out the reasons why the contention of the Examiner should be reversed. The limit of time for presenting this appeal is within six months from the date of the Examiner's final rejection. No fee is exacted for the appeal.

Forfeited and abandoned applications will not be cited as references.

Personal interviews with Examiners is permitted between the hours of 11 and 12 in the forenoon, and 2 and 3 in the afternoon, but appointments must be made with the chief officer of the Patent Office at a reasonable time beforehand.

WITHDRAWAL OF APPLICATIONS FOR PATENTS.

16. No application for a patent shall be withdrawn without the consent in writing of each and every registered assignee of such patent or any part thereof. 55-56 V., c. 24, s. 4.

When an inventor makes an assignment of a part interest in his invention to one or more persons, and the assignment accompanies the application for patent, or, is filed subsequently, the Patent Office will exact that both the inventor and assignee, or assignees, shall consent over their own signatures to the withdrawal of the application; and if this action is taken within a period of one year after the date of the acknowledgment of the filing of the application, or of the examiners' report, the fee paid will be returned, less ten dollars.

In cases where the inventor has assigned all his interest in his invention it will not be necessary for him to join with the assignee, or assignees, in withdrawing the application.

REFUSAL TO GRANT PATENTS.

17. The Commissioner may object to grant a patent in any of the following cases:—

- (a) When he is of opinion that the alleged invention is not patentable in law;
- (b) When it appears to him that the invention is already in the possession of the public, with the consent or allowance of the inventor;
- (c) When it appears to him that there is no novelty in the invention;
- (d) When it appears to him that the invention has been described in a book or other printed publication before the date of the application, or is otherwise in the possession of the public;
- (e) When it appears to him that the invention has already been patented in Canada, unless the Commissioner has doubts as to whether the patentee or the applicant is the first inventor;
- (f) When it appears to him that the invention has already been patented in a foreign country, and the year has not expired within which the foreign patentee may apply for a patent in Canada, unless the Commissioner has doubts as to whether the foreign patentee or the applicant is the first inventor. R.S., c. 61, s. 16.

It may be stated that under subsection "e" of the above section, the Commissioner may grant a second patent for the same invention, on the applicant clearly establishing to the satisfaction of the Commissioner, that he is the first inventor notwithstanding that a patent had been previously granted to another person or persons.

And also under subsection "f" of the same section, when an application for a patent is made for an invention patented in a foreign country by another person, and the year mentioned in section 8 has not expired within which the foreign patentee may apply for a

patent in Canada, the Commissioner may refuse to grant the patent, unless he has doubts as to whether the foreign patentee or the applicant is the first inventor.

In either of these cases, after both patents have been granted, it will be a matter for the Courts to decide which patent shall be valid.

It may be remarked that the Patent Act does not provide for interferences with applications for patents and patents already granted.

APPLICANT TO BE NOTIFIED.

18. Whenever the Commissioner objects to grant a patent as aforesaid, he shall notify the applicant to that effect and shall state the ground or reason therefor, with sufficient detail to enable the applicant to answer, if he can, the objection of the Commissioner. R.S., c. 61, s. 17.

APPEAL TO THE GOVERNOR IN COUNCIL.

19. Every applicant who has failed to obtain a patent by reason of the objection of the Commissioner, as aforesaid, may, at any time within six months after notice thereof has been mailed, addressed to him or his agent, appeal from the decision of the Commissioner to the Governor in Council. R.S., c. 61, s. 18.

The above section of the Patent Act provides for an appeal to the Governor General in Council by any applicant who has failed to obtain a patent, by reason of the objection of the Commissioner on any of the grounds mentioned in Section 17. Such appeal to be made in the form of a petition setting out such reasons and arguments that the applicant may have to adduce in support of his contention. The period within which this appeal may be made is six months from the date of the Commissioner's refusal to grant the patent. No fee is exacted.

CONFLICTING APPLICATIONS.

20. In case of conflicting applications for any patent, the same shall be submitted to the arbitration of three skilled persons, two of whom shall be chosen by the applicants, one by each, and the third of whom shall be chosen by the Commissioner; and the decision or award of such arbitrators, or of any two of them, delivered to the Commissioner in writing, and subscribed by them or any two of them, shall be final, as far as concerns the granting of the patent.

2. If either of the applicants refuses or fails to choose an arbitrator, when required so to do by the Commissioner, and if there are only two such applicants, the patent shall issue to the other applicant.

3. If there are more than two conflicting applications, and if the persons applying do not all unite in appointing three arbitrators, the Commissioner may appoint the three arbitrators for the purposes aforesaid.

4. The arbitrators so named shall subscribe and take before a judge of any court of record in Canada, an oath in the form following, that is to say:—

'I, the undersigned (A.B.), being duly appointed an arbitrator under the authority of the Patent Act, do hereby solemnly swear or (affirm, as the case may be), that I will well and truly perform the duty of such arbitrator on the conflicting applications of (C.D. and E.F.) submitted to me.'

5. The arbitrators, or any one of them, when so sworn, may summon before them any applicant or other person, and may require him to give evidence on oath, orally or in writing (or on solemn affirmation, if such applicant or person is entitled to affirm in civil cases), and to produce such documents and things as such arbitrators deem requisite to the full investigation of the matters into which they are appointed to examine, and they shall have the same power to enforce the attendance of such applicants and other persons, and to compel them to give evidence, as is vested in any court of justice in civil cases, in the province in which the arbitration is held.

6. The fees for the services of such arbitrators shall be a matter of agreement between the arbitrators and the applicants,

and shall be paid by the applicants who name them, respectively, except those of the arbitrator or arbitrators named by the Commissioner, which shall be paid by the applicants jointly. R.S., c. 61, s. 19.

When an examiner reports a conflict in part or in whole with two applications for patents the Commissioner directs that the applicants be so advised and calls upon each to appoint an arbitrator, such appointment to be made over their respective signatures. In this notice of conflict the applicants or their attorneys of record are given the names and addresses of the respective opposing parties, thus affording them an opportunity of coming to some agreement, if they can, rather than undertake the proceedings and consequent expense of an arbitration.

Under the present practice the applicants are allowed one year from the date of call to appoint their arbitrators and notify the Commissioner, unless one of the applicants at an earlier date appoints his arbitrator, in which case the opposite party is advised of this and given from thirty to sixty days within which to appoint his arbitrator. Failure in this respect will bring his case under clause 2 of the above section of the Patent Act. For good reasons, however, the Commissioner may extend either period. The action of the Commissioner in fixing a shorter time than the year above mentioned is, by virtue of the discretionary power given him in the following rule:—

“In any case, however, in which it is established
“to the satisfaction of the Commissioner that there
“is unnecessary delay on the part of the applicant
“in the prosecution of his application, and that
“such delay may injure the rights of other parties,

"the Commissioner may require the applicant
"to proceed with the prosecution of his application
"within such period less than one year as to the
"Commissioner may seem reasonable; and upon
"failure of the applicant so to do, his application
"shall be held to be abandoned, with forfeiture
"of fees."

When both parties have selected their arbitrators, and have submitted the names to the Commissioner, and have agreed upon the locality (which must be within the limits of the Dominion) where they shall meet, the Commissioner will forthwith appoint the third or Government arbitrator who, upon acceptance, will receive from the Patent Office the duplicate specifications and drawings last accepted by the examiner and upon which the conflict was declared. It will then be his duty to confer with the interested parties and arrange for the date of sitting, etc.

It is customary for the Commissioner to appoint the Government arbitrator in, or nearby, the locality chosen by the applicants for holding the arbitration; but in no case does the Commissioner interfere or take any part in regard to the fees for the services of the arbitrator appointed by him; the Patent Act providing that he shall be paid by the applicants jointly. The remuneration to be paid to the three arbitrators is entirely a matter of agreement between them and the applicants.

The above section of the Patent Act contains the form of oath to be taken by the arbitrators before a judge of any court of record in Canada; and sub-section 5 clearly defines their powers.

The Patent Act or practice does not preclude non-residents of Canada acting as arbitrators.

In a conflict where there are more than two applications involved, if the applicants, after being served with notice, do not all unite in appointing three arbitrators, the Commissioner may appoint the three arbitrators, whose remuneration for their services must also be borne equally by the applicants.

If the applicants in an arbitration case have not appointed their arbitrators within a year from the date of the official notice, or any extension of that time granted by the Commissioner, the case shall be held to be abandoned, unless the Commissioner is satisfied that the cause of the delay was not the fault of such applicants.

In no case shall any portion of the fees paid be returned by the Patent Office to the applicants, where no arbitrators have been appointed, unless the applications are withdrawn within a year from the date of the call for the appointment of arbitrators. The unsuccessful applicant, or applicants, in an arbitration case will, upon application at any time, be entitled to a refund of all fees paid less ten dollars.

Section 23, paragraph *a* of the Exchequer Court Act provides that the Court shall have jurisdiction in cases of conflicting applications for patents. The records of the Patent Office do not show, however, that advantage has ever been taken of this provision of the law. All cases of conflict appear to have been dealt with under the provisions of the Patent Act.

WHAT A PATENT SHALL CONTAIN AND CONFER.

21. Every patent granted under this Act shall contain the title or name of the invention, with a reference to the specification, and shall grant to the patentee and his legal representatives, for the term therein mentioned, from the granting of the

same, the exclusive right, privilege and liberty of making, constructing and using, and vending to others to be used, the said invention, subject to adjudication in respect thereof before any court of competent jurisdiction.

2. In cases of joint applications, the patents shall be granted in the names of all the applicants. R.S., c. 61, s. 20.

FORM OF ISSUE OF PATENT.

22. Every patent shall be issued under the seal of the Patent Office and the signature of the Commissioner or of the Deputy Commissioner, and, when duly registered, shall be good, and shall avail the grantee and his legal representatives for the term mentioned in the patent.

2. The Commissioner may require that any patent, before it is signed by the Commissioner or by any other member of the King's Privy Council for Canada, acting for him, and before the seal hereinbefore mentioned is affixed to it, shall be examined by the Minister of Justice; and, if such examination is so required, the Minister of Justice shall, accordingly, examine it, and if he finds it conformable to law, he shall certify accordingly, and such patent may then be signed, and the seal affixed thereto. R.S., c. 61, s. 21; 56 V., c. 34, s. 2.

In the absence of the Commissioner or the Deputy Commissioner, the Acting Deputy Commissioner may sign the patent or any other document or instrument issued by the Patent Office (see section 5, sub-section 2 of the Patent Act, page 6).

DURATION OF PATENT.

23. The term limited for the duration of every patent of invention issued by the Patent Office shall be eighteen years; but, at the time of the application therefor, it shall be at the option of the applicant to pay the full fee required for the term of eighteen years, or the partial fee required for the term of six years, or the partial fee required for the term of twelve years.

2. If a partial fee only is paid, the proportion of the fee shall be stated in the patent, and the patent shall, notwithstanding anything therein or in this Act contained, cease at the end of

the term for which the partial fee has been paid, unless before the expiration of the said term the holder of the patent pays the fee required for the further term of six or twelve years, and obtains from the Patent Office a certificate of such payment in the form which is, from time to time, adopted, which certificate shall be attached to and refer to the patent, and shall be under the signature of the Commissioner or of the Deputy Commissioner.

3. If such second payment, together with the first payment, makes up only the fee required for twelve years, then the patent shall, notwithstanding anything therein or in this Act contained, cease at the end of the term of twelve years, unless at or before the expiration of such term the holder thereof pays the further fee required for the remaining six years, making up the full term of eighteen years, and obtains a like certificate in respect thereof. 55-56 V., c. 24, s. 5; 56 V., c. 34, s. 3.

All patents are granted for the full term of eighteen years, whether the applicant elects to pay the entire fee of sixty dollars at the time of making his application for patent, or to pay this fee by instalment of three equal payments; that is to say, twenty dollars with the petition for patent and twenty dollars at any time before the expiry of the sixth and twelfth years. It is also optional with the applicant to pay the fees for the first and second terms at the time of making the application for patent, or, after the patent has been granted, to pay the fees for the second and third terms in one payment at any time before the expiry of the first six years.

When remitting a partial fee to the Patent Office the instructions on page 15 should be observed, and a covering letter should accompany such fee stating the purpose of the enclosure, and, at the same time, identifying the patent by giving the number, date, and to whom granted. If the original patent is available it should also accompany the fee, in order that the cer-

tificate of payment may be stamped thereon; but if, for any reason, it cannot then be produced, the Patent Office will acknowledge the payment by letter and enclose therewith the usual official receipt. The original patent may be stamped at any time afterwards when forwarded to the Patent Office for that purpose.

Patentees and their solicitors should not delay until the last day in remitting these partial fees, for if they are received after the expiry of the sixth and twelfth years' terms, the patents will cease and determine, the Commissioner not being vested with the discretionary power, under any circumstances, to revive them. A revival can only be secured by a private Act of Parliament, the obtaining of which entails considerable expense to the patentee. It may further be added that the Committee on Private Bills usually discourages applications of this kind, on the ground that no person should be denied the right of manufacturing, using or vending an invention which has become the property of the public; exceptional cases may arise, however, in which the patentee or the holder of the patent may be justly entitled to relief from Parliament.

The form of petition and instructions as to the necessary procedure in presenting an application for a Private Bill may be obtained on written application to the Clerk of the House of Commons, Ottawa.

RE-ISSUE OF PATENTS.

24. Whenever any patent is deemed defective or inoperative by reason of insufficient description or specification, or by reason of the patentee claiming more than he had a right to claim as new, but at the same time it appears that the error arose from inadvertence, accident or mistake, without any fraudulent or deceptive intention, the Commissioner may, upon the surrender

of such patent and the payment of the further fee hereinafter provided, cause a new patent, in accordance with an amended description and specification made by such patentee, to be issued to him for the same invention, for any part or for the whole of the then unexpired residue of the term for which the original patent was, or might have been granted.

2. In the event of the death of the original patentee or of his having assigned the patent, a like right shall vest in his assignee or his legal representatives.

3. Such new patent, and the amended description and specification, shall have the same effect in law, on the trial of any action thereafter commenced for any cause subsequently accruing, as if the same had been originally filed in such corrected form before the issue of the original patent.

4. The Commissioner may entertain separate applications, and cause patents to be issued for distinct and separate parts of the invention patented, upon payment of the fee for a re-issue for each of such re-issued patents. R.S., c. 61, s. 23.

In the matter of a re-issue, whatever is really embraced in the original application and so described or shown in the same, that it might have been embraced in the original patent, may be ground for a re-issue. No new matter can be introduced into the specification, nor shall the model or drawings be amended except each by the other. In the absence of model or drawing, the re-issue may contain amendments, upon satisfactory proof to the Commissioner that such amendments were part of the invention, although omitted in the original application. Separate patents may be issued for each separate and distinct part of the invention, comprehended in the original patent and the fees shall be the same in each case.

The petition for a re-issue may be made by the original patentee or the assignee of the entire interest, or if the patentee is dead his legal representative.

The papers forming an application for a re-issue should be of the same number and kind as an ordinary application for patent and must be accompanied by the original patent, together with the surrender of the same, written on a separate sheet of paper. If the original patent be lost a copy certified by the Patent Office must be filed in lieu thereof, and application may be made therefor, if not already procured, on payment of the usual fee, according to the tariff of fees on page 61.

The fee payable on a re-issue application is four dollars for each and every unexpired year of the duration of the original patent; that is to say, eighteen years from the date thereof, whether the partial fees were paid for the second or third terms. See section 23 of the Patent Act, herein, page 33.

After the re-issue patent has been granted, the partial fees on the original patent shall, notwithstanding the surrender, continue to be payable as they become due; that is to say, dating from the issue of the original patent.

The two years mentioned in section 38 of the Patent Act as to manufacture commences to run from the date of the original patent and not from the date of any re-issue thereof. If the original patent has been brought under section 44 of the Patent Act (Compulsory License System) it will likewise apply to the re-issue patent and the order stamped thereon, but not otherwise unless the latter was issued before six months elapsed following the date of the original patent and application made therefor before the expiry of that period.

If a re-issue be refused the original patent, or certified copy thereof, will be returned to the applicant and upon his request a refund will be made of all fees paid less ten dollars.

DISCLAIMERS.

25. Whenever, by any mistake, accident or inadvertence, and without any wilful intent to defraud or mislead the public, a patentee has,—

- (a) made his specification too broad, claiming more than that of which he or the person through whom he claims was the first inventor; or,
 - (b) in the specification, claimed that he or the person through whom he claims was the first inventor of any material or substantial part of the invention patented, of which he was not the first inventor, and to which he had no lawful right;
- the patentee may, on payment of the fee hereinafter provided, make disclaimer of such parts as he does not claim to hold by virtue of the patent or the assignment thereof.

2. Such disclaimer shall be in writing, and in duplicate, and shall be attested in the manner hereinbefore prescribed, in respect of an application for a patent; one copy thereof shall be filed and recorded in the office of the Commissioner, and the other copy thereof shall be attached to the patent and made a part thereof by reference, and such disclaimer shall thereafter be taken and considered as part of the original specification.

3. Such disclaimer shall not affect any action pending at the time of its being made, except in so far as relates to the question of unreasonable neglect or delay in making it.

4. In case of the death of the original patentee, or of his having assigned the patent, a like right shall vest in his legal representatives, any of whom may make disclaimer.

5. The patent shall thereafter be deemed good and valid for so much of the invention as is truly the invention of the disclaimant, and is not disclaimed, if it is a material and substantial part of the invention, and is definitely distinguished from other parts claimed without right; and the disclaimant shall be entitled to maintain an action or suit in respect of such part accordingly R.S., c. 61, s. 24.

On asking to attach a disclaimer to a patent, the statutory fee is \$2.00, and the disclaimer must be furnished in duplicate. Sub-section 4 of the above section defines who may file a disclaimer. (For form, see page 100.)

ASSIGNMENTS.

26. The patent may be granted to any person to whom the inventor, entitled under this Act to obtain a patent, has assigned or bequeathed the right of obtaining the same, or in default of such assignment or bequest, to the legal representatives of the deceased inventor. R.S., c. 61, s. 25.

27. Every patent issued for an invention shall be assignable in law, either as to the whole interest or as to any part thereof, by any instrument in writing; but such assignment, and every grant and conveyance of any exclusive right to make and use and to grant to others the right to make and use the invention patented, within and throughout Canada or any part thereof, shall be registered in the Patent Office in the manner, from time to time, prescribed by the Commissioner for such registration; and every assignment affecting a patent for invention shall be null and void against any subsequent assignee, unless such instrument is registered as hereinbefore prescribed, before the registration of the instrument under which such subsequent assignee claims. R.S., c. 61, s. 26.

28. In cases of joint applications or grants, every assignment from one or more of the applicants or patentees to the other or others, or to any other person, shall be registered in like manner as other assignments. R.S., c. 61, s. 27.

An assignment made before the issue of a patent, when presented with the application, will be recorded immediately upon its receipt, provided that it contains the title of the invention and is accompanied by a plain, unexecuted copy thereof, or duplicate executed copies, and the statutory fee of two dollars. The assignment will be returned to the person forwarding the same after registration. Such assignment by the inventor

must contain a request to the Commissioner authorizing the issue of the patent to the assignee, or jointly to himself and the assignee, if only a portion of the interest in the invention is assigned. (See form 18, page 98.)

On the presentation of an assignment or any other instrument in writing affecting a patent after issue, it should contain the title of the invention, number and date of the patent, and may be executed in duplicate, or if not, the original should be accompanied by a plain unexecuted copy. In the latter case the original is retained by the Patent Office, and the copy is returned to the sender bearing evidence of registration. (See form 19, page 99.)

If for any reason the assignee of the whole or a part interest in a patent desires the return of the original assignment or instrument, the Patent Office will return it after being recorded, provided that the copy is acknowledged before a notary and his certificate and seal thereto affixed. The same practice applies to agreements and other instruments affecting a patent. When more than one patent or application for patent is included in a single instrument, a recording fee of two dollars is exacted by the Patent Office for each and everyone mentioned.

Should an assignment be presented for registration relating to a patent which has been allowed to expire through the non-payment of either of the partial fees, registration will be deferred until the Patent Office shall have advised the sender of this circumstance, and if, after such notice, registration is insisted upon, the assignment will be recorded for what it is worth, and

an entry made thereon that the partial fee for the second or third term of the patent, as the case may be, was not paid.

If an assignment, after it has been recorded at the Patent Office, is found to contain an error in any respect it may be remedied only by the filing of an amending assignment presented for registration in the ordinary manner and on payment of the usual fee of two dollars for each and every patent mentioned therein.

An assignment without date of execution may be registered after the sender has been previously advised of the omission and fails to have it rectified, but who insists upon its registration as previously filed.

Assignments and other like instruments may be presented for registration in either the English or French language, and should be legibly written, printed or type-written on paper eight by thirteen inches, and on but one side of the paper. This latter requirement of the Rules of the Patent Office may in some cases be waived by the Commissioner.

The person presenting an assignment, or any other instrument affecting the proprietorship of a patent, for registration, must assume all responsibility as to its validity and sufficiency.

The Patent Office will furnish, on application, an abstract from the Register of Assignments, showing the registered owner of any particular patent.

The usual fee is fifty cents.

IMPEACHMENT AND OTHER LEGAL PROCEEDINGS IN RESPECT OF PATENTS.

29. A patent shall be void, if any material allegation in the petition or declaration of the applicant hereinbefore mentioned in respect of such patent is untrue, or if the specifications and

drawings contain more or less than is necessary for obtaining the end for which they purport to be made, when such omission or addition is wilfully made for the purpose of misleading: Provided that if it appears to the court that such omission or addition was an involuntary error, and if it is proved that the patentee is entitled to the remainder of his patent *pro tanto*, the court shall render a judgment in accordance with the facts, and shall determine as to costs, and the patent shall be held valid for such part of the invention described, as the patentee is so found entitled to.

2. Two office copies of such judgment shall be furnished to the Patent Office by the patentee, one of which shall be registered and remain of record in the office, and the other of which shall be attached to the patent, and made a part of it by a reference thereto. R.S., c. 61, s. 28.

The statutory fee payable to the Patent Office for the registration referred to in the above section is four dollars, and the judgment should be furnished in duplicate.

REMEDY FOR INFRINGEMENT OF PATENT.

30. Every person who, without the consent in writing of the patentee, makes, constructs or puts in practice any invention for which a patent has been obtained under this Act or any previous Act, or who procures such invention from any person not authorized by the patentee or his legal representatives to make or use it, and who uses it, shall be liable to the patentee or his legal representatives in an action of damages for so doing; and the judgment shall be enforced, and the damages and costs that are adjudged shall be recoverable, in like manner as in other cases in the court in which the action is brought. R.S., c. 61, s. 29

ACTION FOR INFRINGEMENT.

31. Any action for the infringement of a patent may be brought in the court of record having jurisdiction, to the amount of the damages claimed, in the province in which the infringement is alleged to have taken place, which holds its sittings nearest to the place of residence or of business of the defendant; and such court shall decide the case and determine as to costs. R.S., c. 61, s. 30.

INJUNCTION AND APPEAL.

32. In any action for the infringement of a patent, the court, or any judge thereof, may, on the application of the plaintiff, or defendant respectively, make such order as the court or judge sees fit,—

- (a) restraining or for an injunction restraining the opposite party from further use, manufacture or sale of the subject-matter of the patent, and for his punishment in the event of disobedience of such order; or,
- (b) for and respecting inspection or account; and,
- (c) generally respecting the proceedings in the action.

2. An appeal shall lie from any such order under the same circumstances, and to the same court, as from other judgments or orders of the court in which the order is made. R.S., c. 61, s. 31.

COURT MAY DISCRIMINATE IN CERTAIN CASES.

33. Whenever the plaintiff, in any such action, fails to sustain the same, because his specification and claim embrace more than that of which he was the first inventor, and it appears that the defendant used or infringed any part of the invention justly and truly specified and claimed as new, the court may discriminate, and the judgment may be rendered accordingly. R.S., c. 61, s. 32.

DEFENCE IN ACTION FOR INFRINGEMENT.

34. The defendant, in any such action, may plead as matter of defence, any fact or default which, by this Act, or by law, renders the patent void; and the court shall take cognizance of such pleading and of the facts connected therewith, and shall decide the case accordingly. R.S., c. 61, s. 33.

PROCEEDINGS FOR IMPEACHMENT OF PATENT.

35. Any person who desires to impeach any patent issued under this Act, may obtain a sealed and certified copy of the patent and of the petition, affidavit, specification and drawings thereunto relating, and may have the same filed in the office of the prothonotary or clerk of any of the divisions of the High Court of Justice in Ontario, or of the Superior Court of Quebec, or of the Supreme Court in Nova Scotia, New Brunswick, British

Columbia or Prince Edward Island, respectively, or of the Court of King's Bench in Manitoba, or of the Supreme Court of the Northwest Territories in the Provinces of Saskatchewan and Alberta respectively, pending the disestablishment of that Court by the legislature of those provinces respectively, and thereafter of such superior court of justice as, in respect of civil jurisdiction, is established by the said legislatures respectively in lieu thereof, or of the Territorial Court in the Yukon Territory, according to the domicile elected by the patentee, as aforesaid, or in the office of the registrar of the Exchequer Court of Canada, and such courts, respectively, shall adjudicate on the matter and decide as to costs; and if the domicile elected by the patentee is in that part of Canada formerly known as the district of Keewatin, the Court of King's Bench of Manitoba shall have jurisdiction until there is a superior court therein, after which, such superior court shall have jurisdiction.

2. The patent and documents aforesaid shall then be held as of record in such courts respectively, so that a writ of *scire facias*, under the seal of the court, grounded upon such record, may issue for the repeal of the patent, for cause as aforesaid, if, upon proceedings had upon the writ in accordance with the meaning of this Act, the patent is adjudged to be void. R.S., c. 61, s. 34; 53 V., c. 13, s. 1.

JUDGMENT VOIDING PATENT TO BE FILED IN THE PATENT OFFICE.

36. A certificate of the judgment avoiding any patent shall, at the request of any person filing it to make it of record in the Patent Office, be entered on the margin of the enrolment of the patent in the Patent Office, and the patent shall thereupon be and be held to have been void and of no effect, unless the judgment is reversed on appeal as hereinafter provided. R.S., c. 61, s. 35.

APPEAL.

37. The judgment declaring or refusing to declare any patent void shall be subject to appeal to any court having appellate jurisdiction in other cases decided by the court by which such judgment was rendered. R.S., c. 61, s. 36.

**MANUFACTURE AND IMPORTATION.
CONDITIONS AND EXTENSION.**

38. Every patent shall, unless otherwise ordered by the Commissioner as hereinafter provided, be subject, and expressed to be subject, to the following conditions:—

- (a) Such patent and all the rights and privileges thereby granted shall cease and determine, and the patent shall be null and void at the end of two years from the date thereof, unless the patentee or his legal representatives, within that period or an authorized extension thereof, commence, and after such commencement, continuously carry on in Canada, the construction or manufacture of the invention patented, in such a manner that any person desiring to use it may obtain it, or cause it to be made for him at a reasonable price, at some manufactory or establishment for making or constructing it in Canada;
- (b) If, after the expiration of twelve months from the granting of a patent, or an authorized extension of such period, the patentee or patentees, or any of them, or his or their or any of their legal representatives, for the whole or a part of his or their or any of their interest in the patent, import or cause to be imported into Canada, the invention for which the patent is granted, such patent shall be void as to the interest of the person or persons so importing or causing to be imported. 3 E. VII., c. 46, s. 4.

**TERM FOR MANUFACTURE IN CANADA
MAY BE EXTENDED.**

39. Whenever a patentee is unable to commence or carry on the construction or manufacture of his invention within the two years hereinbefore provided, the Commissioner may, at any time not more than three months before the expiration of that term, grant to the patentee or his legal representatives an extension of the term of two years, on his proving to the satisfaction of the Commissioner that his failure to commence or carry on such construction or manufacture is due to reasons beyond his control. 3 E. VII., c. 46, s. 5.

Under the above section of the Patent Act the Commissioner of Patents is given power to grant an

extension of the two years mentioned in section 38 in which to commence the manufacture of the patented invention in Canada.

The petition must be supported by proof in the form of a solemn declaration, according to the provisions of the "Canada Evidence Act," if such proof be made in Canada; and if made elsewhere, by an affidavit before an officer authorized to administer an oath in the place where the same is made. Absence of a demand for the patented invention is not considered a sufficient reason for granting the extension of time to manufacture.

Each case is considered on its merits; and the various special circumstances that attend it; and once the Commissioner has exercised his power in granting an extension of time to manufacture under a patent, he cannot grant any further delay.

In considering applications for extensions of time to manufacture, the law is applied according to its strict and literal meaning; and the applications are granted only, when the applicant has clearly established to the satisfaction of the Commissioner, that the failure to manufacture is due to no fault of his, but to reasons beyond his control. Although these applications are quite numerous, it is seldom that such a case is made out, which warrants the granting of the desired extension. There are circumstances, however, which may be favourably entertained by the Commissioner, such as prolonged illness of the patentee or holder of the patent during the greater part of the two years following the date of the patent, when this fact has been clearly established by a medical certificate supported by affidavit. Also when it is shown that actual steps

have been taken towards the erection of a plant or workshop in Canada; which, for good reasons, cannot be completed before the termination of the two years for manufacture. In such cases a short extension may be granted to enable the holder of the patent to complete the undertaking. It should also be stated in the petition in what locality the operations are being carried on.

The period for presenting petitions for such extensions, is within the three months preceding the expiry of the two years from the date of the patent, and without the payment of any fee.

If a petition is denied for insufficient reasons, as may appear to the Commissioner, and there is yet time before the expiry of the aforesaid three months, the applicant may file a supplementary petition, if he has new ground to adduce why the extension should be granted. It must be shown that honest effort has been made to commence manufacture in Canada.

The practice of inserting notices in newspapers by patentees, whose patents are not under the Compulsory License System, and who are not manufacturing in Canada, that they are willing to grant licenses, is foreign to the law, and it is not seen what purpose is to be served thereby.

The Patent Act or Rules of Practice does not require of a patentee, or the holder of a patent, to notify the Commissioner, when manufacture has been commenced in Canada. When such notice is sent to the Patent Office, it is merely filed for what it may be worth, but the Patent Office will not undertake to answer enquiries as to whether or not, a patentee or holder of a patent has given such notice.

The Patent Office does not prescribe any specific form of petition for an extension of time to manufacture.

TERM FOR IMPORTATION MAY BE EXTENDED.

40. The Commissioner may grant to the patentee or his legal representatives, for the whole or any part of the patent, an extension for a further term not exceeding one year, during which he may import or cause to be imported into Canada the invention for which the patent is granted, if he or they show cause, satisfactory to the Commissioner, to warrant the granting of such extension; but no extension shall be granted unless application is made to the Commissioner at some time within three months before the expiry of the twelve months aforesaid. 3 E. VII., c. 46, s. 6.

The extension of time to import, which the Commissioner of Patents is empowered to grant, under the preceding section, must be applied for by petition, at some time within three months before the expiry of the twelve months from the date of the patent. The petitioner must be the holder of the patent, and in his petition set forth clearly and specially, in such a manner as to enable the Commissioner to determine their sufficiency, the reasons to warrant the granting of such extension.

The petition must be supported by proof in the form of a solemn declaration, according to the provision of the "Canada Evidence Act," if such proof is made in Canada; and if made elsewhere, by an affidavit before an officer authorized to administer an oath in the place where the same is made.

An extension of time to import is not given to create a demand, but only to enable the owner of the patent to start the manufacture in Canada, by the importation of a machine or device, for the purpose of demonstrating its utility, provided that there has been no importa-

tion of the patented invention during the year in which he had the privilege of doing so. Therefore, extensions of time for general importation of the invention to fill orders or supply the trade, will meet with refusal.

When the owner of a patent desires to import the article patented, for the purpose above mentioned, he will be required to include in his petition an undertaking to the effect that he will restrict himself to the importation of the one specimen or full sized working machine, as the case may be, and it will be further necessary for him to state, in his petition, the shortest period required for such importation.

Contrary to the requirements under section 39 of the Patent Act the Commissioner may consider a supplementary petition for an extension of time to import presented after the three months, provided always that the original petition, although refused, was received at the Patent Office at some time within the last three months of the year following the date of the patent.

As in the case of an extension of time to manufacture, the Commissioner has not the power to grant a second extension of time to import.

The Patent Office does not prescribe any specific form of petition, or fee, for extension of time to import.

VALIDITY OF AN EXTENSION ALREADY GRANTED.

41. The validity of any extension granted or assumed to be granted before the thirteenth day of August, one thousand nine hundred and three, of the period of two years theretofore limited by statute in that behalf for the commencement of the construction or manufacture of a patented invention, or of the period of twelve months theretofore so limited for the importation of a patented invention, shall not be open to impeachment, nor shall

the patent for any invention in respect of which any such extension had been so granted be deemed to have lapsed or expired because,—

- (a) such extension, instead of being granted by the Commissioner, was so granted or assumed to be granted by the Deputy Commissioner, or, as acting deputy commissioner, by a person performing the duties of the Deputy Minister of Agriculture under the provisions of the Civil Service Act in that behalf, instead of by the Commissioner; or,
- (b) in the case of the invention to which such extension relates, there had been granted or assumed to be granted a previous extension or previous extensions of such period of two years, or such period of twelve months, as the case may be. 3 E. VII., c. 46, s. 9.

CONDITIONAL VALIDITY OF CERTAIN PATENTS GRANTED BEFORE AUGUST 13th, 1903.

42. The validity of any patent granted before the thirteenth day of August, one thousand nine hundred and three, shall not be impeached, nor shall such patent be deemed to have lapsed or expired, by reason of the failure of the patentee to construct or manufacture the patented invention, if the patentee within the period of two years from the date of the patent allowed for such construction or manufacture, or within an authorized extension of that period, became, and at all times thereafter continued to be, ready either to furnish the patented invention himself or to license the right of using it, on reasonable terms, to any person desiring to use it, and if the patentee, or his legal representatives, within six months from the thirteenth day of August, one thousand nine hundred and three, had,—

- (a) commenced, and after such commencement continuously carried on in Canada, the construction or manufacture of the patented invention in such manner as to enable any person desiring to use it to obtain it, or cause it to be made for him, at a reasonable price, at some manufactory or establishment for making or constructing it in Canada; or,
- (b) applied for and thereupon obtained an order of the Commissioner making the patent subject to the condition hereinafter provided for authorising application for the issue

of licenses to make, construct, use and sell the patented invention. 3 E. VII., c. 46, s. 10.

RIGHTS OF THIRD PERSONS SAVED.

43. In the case of any patent which before the thirteenth day of August, one thousand nine hundred and three, had become void or the validity of which might have been impeached, and which was revived or protected from impeachment by any provision of the Act, passed in the third year of His Majesty's reign, chapter forty-six, intituled *An Act to amend the Patent Act*, or which, by reason of any such provision, is to be deemed not to have elapsed or expired; any person who had, between the time when such patent became void or the ground for such impeachment arose, and the thirteenth day of August, one thousand nine hundred and three, aforesaid, commenced to manufacture, use or sell in Canada the invention covered by such patent, may continue to manufacture, use or sell it in as full and ample a measure as if such revival or protection from impeachment had not been effected; and in case any person had, before the thirteenth day of August aforesaid, contracted with the owner of the patent for the right to manufacture, use or sell such invention in Canada, the contract shall be deemed to have remained in full force and effect notwithstanding that the patent had become void as aforesaid, unless the person who had so contracted with such owner can show that in the meantime, by reason or on the faith of such invalidity or lapsing, he has materially altered his position with respect to such invention, and that the revival of such contract would cause him damage. 3 E. VII., c. 46, s. 14.

COMPULSORY LICENSE SYSTEM.

44. On the application of the applicant for a patent, previous to the issue thereof, or on the application within six months after the issue of a patent of the patentee or his legal representatives, the Commissioner, having regard to the nature of the invention, may order that such patent, instead of being subject to the condition with respect to the construction and manufacture of the patented invention hereinbefore provided, shall be subject to the following conditions, that is to say:—

- (a) Any person, at any time while the patent continues in force, may apply to the Commissioner by petition for a license to make, construct, use and sell the patented invention, and the Commissioner shall, subject to general rules which may be made for carrying out this section, hear the person applying and the owner of the patent, and, if he is satisfied that the reasonable requirements of the public in reference to the invention have not been satisfied by reason of the neglect or refusal of the patentee or his legal representatives to make, construct, use or sell the invention, or to grant licenses to others on reasonable terms to make, construct, use or sell the same, may make an order under his hand and the seal of the Patent Office requiring the owner of the patent to grant a license to the person applying therefor, in such form, and upon such terms as to the duration of the license, the amount of the royalties, security for payment, and otherwise, as the Commissioner, having regard to the nature of the invention and the circumstances of the case, deems just;
- (b) The Commissioner may, if he thinks fit, and shall on the request of either of the parties to the proceedings, call in the aid of an assessor, specially qualified, and hear the case wholly or partially with his assistance;
- (c) The existence of one or more licenses shall not be a bar to an order by the Commissioner for, or to the granting of a license on any application, under this section; and,
- (d) The patent and all rights and privileges thereby granted shall cease and determine, and the patent shall be null and void, if the Commissioner makes an order requiring the owner of the patent to grant any license, and the owner of the patent refuses or neglects to comply with such order within three calendar months next after a copy of it is addressed to him or to his duly authorized agent. 3 E. VII., c. 46, s. 7.

When the Patent Office is considering petitions under this section of the Patent Act, the requirements of the law in regard to manufacture are kept in mind. Ordinary patents are governed by paragraph (a) of Sec-

tion 38, but such patents as the following may be placed under the Compulsory License System, when the Commissioner is satisfied of the propriety of this being done, namely, patents for an art or process; improvements on a patented invention when both patents are not held by the same person; appliances or apparatus used in connection with railways, telegraph, telephone and lighting systems; and other works usually under the control of public or large private corporations; and which appliances or apparatus cannot be installed or constructed without the consent of such corporations; and certain inventions which are manufactured or constructed only to order, and are not, according to custom, carried in stock.

When a patent covers an invention which is an improvement upon a previously granted patent, not held by the same person, the number and date of the latter patent should also be mentioned in the petition. Applicants for patents, patentees, or their attorneys should not petition the Commissioner for an order to place a patent under the compulsory license system, when the invention does not fall under any of the several headings enumerated above, as otherwise, the Patent Office is put to the trouble of making unnecessary entries and of sending a formal refusal.

The petition must be presented by the owner of the patent within six months from its date, or may accompany the application for patent or at any time while it is pending. It must be signed by the applicant, and in either case should contain the grounds upon which the application is based. If the original patent is available, it should accompany the petition in order that it may be stamped by the Patent Office, if the order is granted.

As previously stated on page 8, the power of attorney filed with an application for a patent, subsequently issued, does not apply to a petition under section 44; therefore, it must be signed by the owner of the patent or his agent under a new power of attorney. The production of the original patent, however, will be considered sufficient evidence of authorization if it accompanies the petition made by any person on behalf of the owner of the patent. No fee is exacted by the Patent Office under this Section of the Act.

Attorneys are advised to acquaint their clients, either before or after the issue of a patent, of the provisions of the Compulsory License System (section 44, quoted on the fly leaf of each patent); when their inventions are such as come under any of the several headings hereinbefore mentioned. Experience in the Patent Office suggests offering this advice, as it not unfrequently occurs that patentees file petitions for extensions of time to manufacture, pleading ignorance of the existence of that provision of the law, *at the time*, when such an application could have been made.

The following rules for the guidance of the Patent Office, Patentees and others in respect of petitions to the Commissioner, for an order for a license, were approved by the Governor General in Council, on the 23rd February, 1904, and are in force.

PETITION FOR GRANT OF COMPULSORY LICENSE

25. A petition to the Commissioner for an order for a license under Section 44, paragraph (a), of the Act, shall show clearly the ground or grounds upon which the petitioner claims to be entitled to a license, and shall state in detail the circumstances of the case, the terms

upon which he asks that an order may be made, the purpose of such order, and the name and address of the patentee and of any other person who is alleged in the petition to have made default.

TO BE LEFT WITH EVIDENCE AT PATENT OFFICE.

26. The petition and an examined copy thereof shall be left at the Patent Office, accompanied by affidavits or statutory declarations in proof of the allegations contained in the petition, together with any other documentary evidence in support; and petitioner shall, within ten days after the leaving of such petition, deliver to the patentee and any other person who is alleged in the petition to have made default, copies of the petition and of such affidavits or statutory declarations and other documentary evidence in support.

OPPOSANTS' OPPOSITIONS AND EVIDENCE

27. The persons to whom such copies are delivered by the petitioner may, within ten days after being invited to do so by the Commissioner, leave at the Patent Office their oppositions to such petition, together with their affidavits or statutory declarations or other documentary evidence in support, in answer, and if they do so, shall deliver copies thereof to the petitioner within ten days, and the petitioner may within ten days from such last mentioned delivery leave at the Patent Office his affidavits or statutory declarations and other documentary evidence in reply; and if he does so, shall deliver copies thereof to the patentee or any other person alleged in the petition to have made default within ten days, such last mentioned affidavits or statutory declarations being confined to matters strictly in reply.

CLOSING OF EVIDENCE.

28. No further evidence than as aforesaid may be left by either side at the Patent Office, except by leave or on requisition of the Commissioner, and upon such terms, if any, as he may think fit.

OTHER PARTIES INTERESTED MAY BE ALLOWED TO INTERVENE.

29. The Commissioner may at any stage of the proceedings before granting his order, give notice of the proceedings, and furnish copies thereof to any person not a party thereto who may be interested in the patent and whose rights may be affected by his order, and may allow such person to intervene in the proceedings. After such person has been allowed to intervene, he shall be governed by these rules as though the petitioner had alleged in his petition that such person was in default.

HEARING OF THE PETITION.

30. On completion of the evidence, or after the expiration of the time for completing the same, the Commissioner, on the request of the petitioner, shall fix a time for hearing the petition, and shall give notice to the petitioner, the patentee, and all other parties to the proceedings, that it is his intention to hear the petition on a specified day, which day shall not be less than two weeks from the date when the notice is served.

DOCUMENTS TO BE TYPEWRITTEN OR PRINTED.

31. All petitions and other documents lodged at the Patent Office shall (unless the Commissioner otherwise direct), be typewritten or printed, and the parties

shall furnish as many copies of the documents lodged by them as shall be required by the Commissioner.

COPIES OF PAPERS AND ADDRESSES OF PARTIES.

32. Parties shall be entitled to have copies of all papers lodged in respect to the petition, at their own expense. The petitioner and each of the other parties shall specify an address for service in Canada, and may be heard in person or by counsel or by a duly authorized agent.

COUNSEL ON BEHALF OF CROWN.

33. The Commissioner shall, if so requested, hear counsel on behalf of the Crown on the question of granting the prayer of any petition. Counsel on behalf of the Crown shall not be required to give notice of the grounds of any objection he may think fit to take or of any evidence which he may think fit to place before the Commissioner.

SERVICE OF NOTICE.

34. Any notice required to be served or given by the rules relating to compulsory license may be served or given by posting the same to the party to be notified in a registered envelope, and documents required to be delivered may be delivered in the same way.

ALTERATIONS OR ENLARGEMENTS OF TIMES PRESCRIBED BY RULES.

35. The times prescribed by these rules may be altered or enlarged by the Commissioner if he thinks fit, upon such notice to parties interested and upon such terms, if any, as he may direct.

REFERENCES TO THE EXCHEQUER COURT.

45. Any question which arises as to whether a patent, or any interest therein, has or has not become void under any of the provisions of the seven last preceding sections of this Act, may be adjudicated upon by the Exchequer Court of Canada, which court shall have jurisdiction to decide any such questions upon information in the name of the Attorney General of Canada, or at the suit of any person interested; but this section shall not be held to take away or affect the jurisdiction which any court other than the Exchequer Court of Canada possesses. 3 E. VII., c. 46, s. 8.

CAVEATS.

46. Any intending applicant for a patent who has not yet perfected his invention and is in fear of being despoiled of his idea, may file, in the Patent Office, a description of his invention so far as it has proceeded, with or without plans, at his own will; and the Commissioner, on payment of the fee in this Act prescribed, shall cause the said document, which shall be called a *caveat*, to be preserved in secrecy, with the exception of delivering copies of the same whenever required by the said applicant or by any judicial tribunal, but the secrecy of the document shall cease when the applicant obtains a patent for his invention.

2. If application is made by any other person for a patent for any invention with which such *caveat* may, in any respect, interfere, the Commissioner shall forthwith give notice by mail, of such application, to the person who has filed such *caveat*, and such person shall, within three months after the date of mailing the notice, if he wishes to avail himself of the *caveat*, file his petition and take the other steps necessary on an application for a patent, and if, in the opinion of the Commissioner, the applications are conflicting, like proceedings may be had in all respects as are by this Act provided in the case of conflicting applications.

3. Unless the person filing a *caveat* makes application within one year from the filing thereof for a patent, the Commissioner shall be relieved from the obligation of giving notice, and the *caveat* shall then remain as a simple matter of proof as to novelty or priority of invention, if required. R.S., c. 61, s. 38.

The filing of a caveat is not confined to a resident of

Canada, but may be filed by any intending applicant for a patent, who desires further time to mature his invention. Such caveat shall be filed in the confidential archives of the Patent Office and preserved in secrecy, and shall be operative for the term of one year from the filing thereof; and if application is made within the year, by any other person, for a patent, with which such caveat would in any manner conflict, the Commissioner shall give notice thereof, by registered letter, to the person by whom the caveat was filed. If such person desires to avail himself of his caveat, he shall file his application for patent within three months from the date of the official notice.

If a conflicting caveat is in force when an application for patent is filed, though the examination of the application is delayed or is rejected, and the rejection is not set aside until after the caveat has expired, the caveator is still entitled to be notified.

A caveat is simply an official expression of an inventor's intention to take out a patent at some time on the invention therein described, provided that the same is patentable in law; the Patent Office filing it without any examination as to the patentability of the subject matter.

The papers prescribed for the filing of a caveat are: (1) a petition form (16), page 96; (2) an oath, form (17), page 97; (3) a specification, form (9), page 82; and (4) a drawing on tracing linen or paper that may be folded. The application must be restricted to a single invention. Only the inventor and his properly authorized attorney may have access to a caveat, with the exception of delivering copies of the same whenever required by any judicial tribunal; but the secrecy of the document

shall cease when the applicant obtains a patent for his invention.

The Patent Office Rules do not exact a formal claim to the specification, but the latter should be sufficiently precise to enable the Examiner to judge whether there is a probable conflict, when a subsequent application for patent is filed. The law governing caveats leaves it optional with the inventor to file or not to file drawings with his application; but the Patent Office always strongly urges, in the interest of the applicant, that some illustration should be filed with his specification.

A caveator may, while his caveat is pending, lodge additional papers without the payment of a further fee, provided that they relate exclusively to the same invention.

The person filing a caveat will not be entitled to notice of any application for a patent pending, at the time of filing his caveat.

There is no provision in the law making a caveat assignable, and if an assignment is presented for registration the Patent Office will return it to the sender.

Caveat papers cannot be withdrawn after they are filed, but copies may be obtained by the caveator or any person duly authorized by him, for the usual fee. See tariff of fees, page 61.

The statutory fee on filing a caveat is \$5.00; and once a caveat fee has been paid, it may not be refunded or transferred to an application for patent.

Although the Patent Act makes no provision for the renewal of caveats beyond the year mentioned, the Patent Office does not refuse to accept and file a second caveat for the same invention on presentation of a new

application covering new papers and payment of the statutory fee of \$5.00, as if no previous caveat had been filed; but no reference should be made to the new application to the former caveat.

PATENT FEES.

47. The following fees shall be payable before an application for any of the purposes herein mentioned shall be received by the Commissioner, that is to say:—

Full fee for 18 years.	\$60.00
Partial fee for 12 years.	40.00
Partial fee for 6 years.	20.00
Fee for further term of 12 years.	40.00
Fee for further term of 6 years.	20.00
On lodging a caveat.	5.00
On asking to register a judgment <i>pro tanto</i>	4.00
On asking to register an assignment, or any other document affecting or relating to a patent.	2.00
For each and every patent mentioned in any notice given to the Commissioner by the inventor after the issue of a foreign patent of his intention to apply for a patent in Canada for such invention.	2.00
On asking to attach a disclaimer to a patent.	2.00
On asking for a copy of patent with specification.	4.00
On petition to re-issue a patent after surrender, in addition to the fees on the original patent which shall, notwithstanding such surrender, continue to be payable as aforesaid, for every unexpired year of the duration of the original patent.	4.00

On office copies of documents, not above mentioned, the following charges shall be made:—

For every single or first folio of one hundred words certified copy.	\$0.25
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For every such subsequent folio, fractions of or under one-half not being counted, and of one-half or more being counted as a folio. 0.10

55-56 V., c. 24, s. 7; 56 V., c. 34, s. 4; 3 E. VII., c. 46, s. 11.

All fees should be transmitted with the application for any action by the Office, and must be made in current bankable funds: Bank drafts, post office or express money orders, or certified cheques, payable to the Commissioner of Patents, Ottawa. Bank drafts on New York or Chicago are taken at par, but all others for amounts not exceeding \$200.00 must have a collection fee of 25c. added thereto, but drafts made for a larger sum must have $\frac{1}{2}\%$ added. Postage stamps in payment of fees will not be accepted by the Patent Office, and money sent by mail should be in registered letters, at the risk of the sender.

Personal cheques and drafts, when not drawn as above indicated, are returned to the sender, thereby causing delay, that may result in not obtaining the desired filing date, when the application has been sent to the Patent Office within a few days of the expiry of the period within which legal filing should be made.

FEEES FOR OFFICE COPIES.

Unless a copy of the patent is required as an exhibit in an action at court, or, to replace a lost or destroyed patent, it is usual to order only, a copy of the specification and drawings, or either. In many cases, copies are required by inventors and attorneys to examine the references cited by the examiners, anticipating in part, or whole the claims in a pending application for patent. This information would thus be obtained in the majority of cases at a much less cost, than if a copy

of the full patent is ordered. The copy of the specification and drawings only, may be equally as useful for other purposes.

The tariff above quoted from the Patent Act, prescribes a charge of twenty-five cents for the first folio of one hundred words of any document, and ten cents for every subsequent folio, fractions of or under one half not being counted.

For a blue print of each sheet of drawing attached to a patent, the fee is twenty-five cents.

All copies of specifications and drawings are certified by the Patent Office, and the certificate thereto attached, gives the name of the patentee, the title of the invention, and the number and date of the patent.

It may be added that Canadian patents are not printed, therefore, all copies of documents are typewritten, and are prepared as promptly as possible, in the order of the date of the filing of the requisition therefor.

On application, the Patent Office will quote, beforehand, the cost of a copy of the specification and drawing of any particular patent, properly identified.

COPIES OF DRAWINGS.

48. For every copy of drawings, the person applying shall pay such sum as the Commissioner considers a fair remuneration for the time and labour expended thereon by any officer of the Patent Office, or of the Department, or person employed to perform such service. R.S., c. 61, s. 40.

Copies of drawings are made by the blue-print or Vandyke process at twenty-five cents for each sheet, except in the case of a caveat. When the drawing is not made on tracing linen or thin paper, a pen-tracing will be made and charged for according to the time and labour expended thereon.

When three or more blue-print copies of the same sheet of drawing are ordered the fee is fifteen cents per sheet.

FEEES TO BE IN FULL FOR ALL SERVICES.

49. The said fees shall be in full of all services performed under this Act, in any such case, by the Commissioner or any person employed in the Patent Office. R.S., c. 61, s. 41.

APPLICATION OF FEES.

50. All fees received under this Act shall be paid over to the Minister of Finance, and shall form part of the Consolidated Revenue Fund of Canada, except such sums as are paid for copies of drawings when made by persons not receiving salaries in the Patent Office. R.S., c. 61, s. 42.

REFUND OF FEES.

51. No person shall be exempt from the payment of any fee or charge payable in respect of any services performed for such person under this Act; and no fee, when paid, shall be returned to the person who paid it, except,—

- (a) when the invention is not susceptible of being patented; or
- (b) when the petition for a patent is withdrawn.

2. In every such case the Commissioner may return the fee paid less the sum of ten dollars. R.S., c. 61, s. 43.

The refund mentioned in clause (2) of this section may be made to the applicant, or to his attorney, on a written application at any time after the patent has been refused (clause a); but under clause (b), when the petition for a patent is withdrawn, the refund is made provided only that the application has not fallen under the operation of Rule 9, which provides that:—

“An applicant for an original patent, or for the
“re-issue of a patent, shall proceed with his applica-
“tion with due diligence; and upon his failure to
“prosecute the same within a period of one year

"after the date of the acknowledgment of the filing
"of his application, or other subsequent official
"action of which notice has been duly given, the
"same shall be held to be abandoned, and any fees
"paid thereon forfeited."

If, however, an application has not become so abandoned, the refund may be made to the applicant or to his attorney but the latter must first file an authorization signed in person by the applicant, consenting to the abandonment of the application; and in the case of a part interest in the invention having been assigned, the authorization must also bear the signature of the assignee.

GOVERNMENT MAY USE PATENTED INVENTION.

52. The Government of Canada may, at any time, use any patented invention, paying to the patentee such sum as the Commissioner reports to be a reasonable compensation for the use thereof. R.S., c. 61, s. 44.

When application is made by any Department of the Government of Canada to fix compensation under this section, the Department applying, and the patentee, will be given full opportunity of submitting evidence, both urging their respective pretensions.

The question of what is a reasonable price is absolutely within the discretion of the Commissioner of Patents, and from his decision no appeal can be taken.

USE OF PATENTED INVENTION IN FOREIGN VESSELS.

53. No patent shall extend to prevent the use of any invention in any foreign ship or vessel, if such invention is not so used for the manufacture of any goods to be vended within or exported from Canada. R.S., c. 61, s. 45.

PATENT NOT TO AFFECT A PREVIOUS PURCHASER.

54. Every person who, before the issuing of a patent, has purchased, constructed or acquired any invention for which a patent is afterwards obtained under this Act, shall have the right of using and vending to others the specific article, machine, manufacture or composition of matter patented and so purchased, constructed or acquired before the issue of the patent therefor, without being liable to the patentee or his legal representatives for so doing; but the patent shall not, as regards other persons, be held invalid by reason of such purchase, construction or acquisition or use of the invention, by the person first aforesaid or by those to whom he has sold the same, unless the same was purchased, constructed, acquired or used, with the consent or allowance of the inventor thereof, for a longer period than one year before the application for a patent therefor, thereby making the invention one which has become public and in public use. R.S., c. 61, s. 46.

PATENTED ARTICLE TO BE STAMPED OR MARKED.

55. Every patentee under this Act shall stamp or engrave on each patented article sold or offered for sale by him the year of the date of the patent applying to such article, thus,—*Patented, 1908*, or as the case may be; or when, from the nature of the article, this cannot be done, then by affixing to it, or to every package wherein one or more of such articles is or are enclosed, a label marked with a like notice. R.S., c. 61, s. 54.

INSPECTION BY THE PUBLIC.

56. All specifications, drawings, models, disclaimers, judgments and other papers, except *caveats*, and except those filed in connection with applications for patents which are still pending, shall be open to the inspection of the public at the Patent Office, under such regulations as are adopted in that behalf. R.S., c. 61, s. 47; 3 E. VII., c. 46, s. 12.

The Patent Office does not, however, withhold from the public the information as to whether or not an application has been filed, provided that the name of the supposed applicant and title of invention are

given; but no information will be offered beyond giving the date of the filing of the application.

The books and records of the office, except those relating to pending applications for patents and caveats, are open to public inspection daily, except on Sundays and statutory holidays, from 9 a.m. to 5 p.m.; on Saturdays until 1 p.m.

The public is permitted to take extracts from patents or registered assignments, but the making of complete copies of specifications and drawings is not allowed by the Patent Office.

SALE OR DESTRUCTION OF MODELS OR SPECIMEN OF INGREDIENTS.

57. The Commissioner may destroy, sell or otherwise dispose of, in such manner as he deems best in the public interest, all models and specimens of composition of matter and of ingredients thereof filed in connection with applications for patents of invention after they have served their immediate purpose.

2. All money arising from the sale or disposal of such models or specimens shall be paid into the Consolidated Revenue Fund of Canada. 3 E. VII., c. 46, s. 15.

Under the authority of the above section the accumulated models were sold (*en bloc*) on the 3rd of March, 1904.

CLERICAL ERRORS.

58. Clerical errors which occur in the framing or copying of any instrument in the Patent Office shall not be construed as invalidating the same, but, when discovered, they may be corrected under the authority of the Commissioner. R.S., c. 61, s. 48.

A mistake incurred through the fault of the Patent Office, in framing or copying any instrument as clearly disclosed by the records or files may, when discovered, be corrected, under authority of the Commissioner; but clerical errors arising from inadvertence, accident

or mistake, on the part of the applicant or his attorney, and only discovered after the patent has been granted may not be corrected.

CERTIFIED COPY OF DESTROYED OR LOST PATENT.

59. If any patent is destroyed or lost, a certified copy thereof may be issued in lieu thereof upon the person who applies therefor paying the fees hereinbefore prescribed for office copies of documents. R.S., c. 61, s. 49; 53 V., c. 13, s. 4.

A certified copy to take the place of a destroyed or lost patent, should be composed of a copy of the deed or grant, covering a copy of the original specification (and drawings if there be any in the case) for which the Patent Office charges, under the tariff, a fee of \$4.00, plus 25c for each sheet of drawing forming part of the original patent.

This certified copy of patent will bear the seal of the Patent Office, as provided for in the next following section of the Patent Act.

SEAL OF THE PATENT OFFICE TO BE EVIDENCE.

60. Every court, judge and person whosoever shall take notice of the seal of the Patent Office and shall receive the impressions thereof in evidence, in like manner as the impressions of the Great Seal are received in evidence, and shall also take notice of and receive in evidence, without further proof and without production of the originals, all copies or extracts certified under the seal of the Patent Office to be copies of or extracts from documents deposited in such office. R.S., c. 61, s. 50.

When a certified copy of a patent is required for any action at court, it is usual to order a complete copy of the patent, as issued. (See also preceding clause.)

OFFICERS OF THE PATENT OFFICE NOT TO DEAL IN PATENTS.

61. No officer or employee of the Patent Office shall buy, sell or acquire or traffic in any invention or patent, or in any right to a patent; and every such purchase and sale, and every assignment or transfer thereof by or to any officer or employee, as aforesaid, shall be null and void, but this provision shall not apply to any original inventor, or to any acquisition by bequest. R.S., c. 61, s. 51.

RULES AND FORMS.

62. The Commissioner may, from time to time, subject to the approval of the Governor in Council, make such rules and regulations, and prescribe such forms, as appear to him necessary and expedient for the purposes of this Act, and notice thereof shall be given in the *Canada Gazette*; and all documents, executed in conformity with the same and accepted by the Commissioner, shall be held valid, so far as relates to proceedings in the Patent Office. R.S., c. 61, s. 52.

The revised and amended Rules and Forms of the Patent Office, approved by the Governor General in Council, on the 23rd February, 1904, are at present in force, and copies may be had gratuitously on application, by addressing the "Commissioner of Patents, Ottawa, Canada."

As regards proceedings not specially provided for in the Rules and Forms above mentioned, any other form being conformable to the letter and spirit of the law may be accepted, under authority of the Commissioner and if not conformable therewith will be returned for correction.

A copy of the Rules, with a particular paragraph marked, sent to any person making an inquiry, will be deemed a respectful answer, by the Patent Office.

ANNUAL REPORT FOR PARLIAMENT AND THE CANADIAN PATENT OFFICE RECORD.

63. The Commissioner shall cause a report to be prepared annually and laid before Parliament of the Proceedings under this Act, and shall, from time to time, and at least once in each year, publish a list of all patents granted, and may with the approval of the Governor in Council, cause such specifications and drawings as are deemed of interest, or essential parts thereof, to be printed, from time to time, for distribution or sale. R.S., c. 61, s. 53.

Apart from the Commissioner's annual report to Parliament, the Patent Office publishes monthly "The Canadian Patent Office Record" containing the number, name of patentee, date of filing of the application, date of issue and the full claims of each patent, in addition to a print of at least one figure of the drawings. This publication may be obtained from the Patent Office at an annual subscription fee of \$2.00, payable in advance; or single monthly copies may be purchased at 20c each.

This publication, with its annual indices, is to be found on the shelves of many of the Public Libraries of Great Britain, United States, Canada and other countries, where it may be consulted by inventors and others interested in inventions, and thus, in many cases, dispense with the necessity of applying to the Patent Office for information disclosed in that publication. A list of Public Libraries receiving this publication will be found on pages 101 to 107.

The Patent Record bears the date of the last day of each calendar month, and contains all patents granted in that month; but it usually takes from thirty to thirty-five days for printing and preparation for distribution; thus, for example, the January number

would not be ready for mailing from the Patent Office until about the fifth of March following, and the same for each succeeding monthly number.

This information is offered to enable patentees and attorneys to arrive at a probable date when the Patent Record will reach certain foreign countries, where previous actual publication is a bar to the valid filing of an application for a corresponding patent.

OFFENCES AND PENALTIES.

PATENTED ARTICLES TO BE STAMPED OR MARKED.

PENALTY FOR DEFAULT.

64. Any patentee under this Act who sells or offers for sale any article patented under this Act not stamped or engraved with the year of the patent, applying to such article, or when from the nature of the article this cannot be done, not having affixed to it or every package wherein one or more of such articles is or are inclosed a label marked with the year of the date of the patent applying to such article in manner and form provided by this Act, shall be liable to a penalty not exceeding one hundred dollars, and, in default of the payment of such penalty, to imprisonment for a term not exceeding two months. R.S., c. 61, s. 54.

FALSELY MARKING AN ARTICLE AS PATENTED.

AN INDICTABLE OFFENCE.

65. Every person who,—

- (a) writes, paints, prints, moulds, casts, carves, engraves, stamps or otherwise marks upon anything made or sold by him, and for the sole making or selling of which he is not the patentee, the name or any imitation of the name of any patentee for the sole making or selling of such thing, without the consent of such patentee; or,
- (b) without the consent of the patentee, writes, paints, prints, moulds, casts, carves, engraves, stamps or otherwise marks upon anything not purchased from the patentee, the words, *Patent*, *Letters Patent*, *King's or Queen's Patent*, *Patented*,

or any word or words of like import, with the intent of counterfeiting or imitating the stamp, mark, or device of the patentee, or of deceiving the public and inducing them to believe that the thing in question was made or sold by or with the consent of the patentee or his legal representatives; or,

(c) offers for sale as patented any article not patented in Canada, for the purpose of deceiving the public; is guilty of an indictable offence, and liable to a fine not exceeding two hundred dollars, or to imprisonment for a term not exceeding three months, or to both. R.S., c. 61, s. 55.

MAKING CERTAIN FALSE ENTRIES ON COPIES AN INDICTABLE OFFENCE.

56. Every person who wilfully makes or causes to be made any false entry in any register or book, or any false or altered copy of any document relating to the purposes of this Act, or who produces or tenders any such false or altered document in evidence, knowing the same to be such, is guilty of an indictable offence and shall be liable to be punished by fine and imprisonment accordingly. R.S., c. 61, s. 56.

GENERAL.

OFFICE HOURS.

The Patent Office is open to the public every week-day, except on Saturday, between the hours of nine and five, and on Saturday between the hours of nine and one, except on legal holidays.

WHEN LEGAL HOLIDAYS INTERVENE.

Whenever the last day fixed by the Patent Act, or the Rules, for taking any action shall fall on a day when the Patent Office is not open, it is deemed to be lawful to do any such thing on the day following such excluded day, or days, if two or more of them occur consecutively.

MONEY PAID THROUGH ERROR.

Money paid into the Patent Office by actual mistake, such as a payment in excess, or when not required by law, will be refunded; but a mere change of purpose after the payment of money will not entitle the person who paid it to demand such a return.

PROTESTS.

The filing of a protest against the issuing of a patent shall not be taken in itself as sufficient reason to withhold the granting of such patent to an applicant. Under the present practice of the Patent Office, however, a protest, if it contains substantial grounds, is referred to the Examiner in charge of the class to which the invention appertains, and the same will receive consideration when the application involved is taken up for examination.

TELEGRAMS.

Telegrams involving searches, if not received before 4 o'clock p.m. at the Patent Office, may not ordinarily be answered until the following day. On Saturdays, not later than 12 o'clock.

All telegrams to the Patent Office must be prepaid by the sender, and if an answer is required, the message will be sent marked "Collect." To insure a reply, however, in all cases a person making an enquiry should add to his message the words "Answer paid."

ISSUE DAY.

Patents are dated and issued by the Patent Office on the Tuesdays of each week.

THE INTERNATIONAL CONVENTION.

The Dominion of Canada is not a member of the International Convention for the Protection of Industrial Property.

APPENDIX OF FORMS.

PETITIONS.

PETITION BY A SOLE INVENTOR.

(FORM 1)

To the Commissioner of Patents, Ottawa:(a) Name, full
address and call-
ing of applicant

The petition of (a).....

.....

.....

.....

.....showeth:

that he has invented new and useful improvements in

(b) Title of the (b)
invention

.....

.....

.....

not known or used by others before his invention thereof,
and not being in public use, or on sale, with his consent or
allowance as such inventor for more than one year previous
to his application for a patent therefor in Canada.

Your petitioner, therefore, prays that a patent may be
granted to him for the said invention, as set forth in the
specification in duplicate relating thereto, and for the pur-
poses of the Patent Act, your petitioner elects his domicile

in the (c).....

(c) Name of
place and prov-
ince in Canada

Place.....

Dated theday of.....19..

(d) To be sign-
ed by the appli-
cant

(d).....

NOTE.—See instructions on pages 10 and 13.

PETITION BY JOINT INVENTORS.

(FORM 2)

To the Commissioner of Patents, Ottawa:

The petition of (a)..... (a) Names, full
addresses and
calling of appli-
cants

.....

.....

..... do verily

that they have jointly invented a new and useful improve-

ment in (b)..... (b) Title of in-
vention

.....

not known or used by others before their invention thereof,
and not being in public use, or on sale, with their consent
or allowance as such inventors, for more than one year pre-
vious to their application for a patent therefor in Canada.

Your petitioners, therefore, pray that a patent may be
granted to them jointly for the said invention, as set forth
in the specification in duplicate relating thereto and for the
purpose of the Patent Act, your petitioners elect their

domicile in the (c)..... (c) Name of
place and Prov-
ince in Canada

Place.....

Dated the..... day of..... 19..

(d)..... (d) To be sign-
ed by the appli-
cants

.....

PETITION BY AN ADMINISTRATOR OR EXECUTOR.

(FORM 3)

To the Commissioner of Patents, Ottawa:

(a) Name, full address and calling of administrator or executor The petition of (a)

..... administrator of the estate (or executor of the last will and

(b) Name, full address and calling of deceased testament) of (b) in his lifetime of the

..... deceased,

as reference to the duly certified copy of letters of administration (or letters testamentary), hereto annexed will more

(c) Name of deceased fully appear, sheweth: that the said (c)

..... did invent

(d) Title of invention a new and useful improvement in (d)

..... not known or used by others before his invention thereof, and not being in public use or on sale, with the consent or

(e) Name of deceased allowance of the said (e)

..... as such inventor, for more than one year previous to this application for a patent therefor in Canada.

Your petitioner, therefore, prays that a patent may be granted to him, as administrator (or executor) of the estate

(f) Name of deceased of the said (f)

..... for the said invention, as set forth in the specification in duplicate relating thereto, and, for the purposes of the Patent Act, your petitioner elects his domicile in the (g)

(g) Name of place and Province in Canada

(Place)

Dated the day of 19..

(h) To be signed by the administrator (h)

PETITION FOR A RE-ISSUE BY THE INVENTOR.

(FORM 4)

To the Commissioner of Patents, Ottawa:

The petition of (a)..... (a) Name, full
address and call-
ing of applicant

..... showeth:

that your petitioner obtained a patent bearing date the.....
day of A.D. 19.... for a new and useful improve-
ment in (b).....

(b) Title of in-
vention

That the petitioner is advised that the said patent is deemed defective, or inoperative, by reason of insufficient description or specification, and that the errors arose from inadvertence, accident or mistake, without any fraudulent or deceptive intention.

Your petitioner, being desirous of obtaining a new patent in accordance with the amended description and specification in duplicate, therefore prays that he may be allowed to surrender the aforesaid patent, and a new patent be granted to him, in accordance with the amended description and specification of the said invention, for the unexpired period for which the original patent was granted.

Place.....

Dated this..... day of..... 19..

(c)..... (c) To be signed
by the patentee

PETITION FOR A RE-ISSUE BY ASSIGNEE

(FORM 5)

To the Commissioner of Patents, Ottawa :(a) Name, full
address and call-
ing of assignee

The petition of (a)

.....showeth:

that your petitioner, by assignment bearing date the

day of 19.... obtained the

(b) Name, full
address and call-
ing of patentee

exclusive right to a patent granted to (b)

on the day of 19...

(c) Title of in-
vention

for new and useful improvements in (c)

That your petitioner is advised that the said patent is deemed defective or inoperative by reason of insufficient description or specification, and that the error arose from inadvertence, accident or mistake, without any fraudulent or deceptive intention.

Your petitioner, being desirous of obtaining a new patent in accordance with an amended description and specification in duplicate, therefore prays that he may be allowed to surrender the aforesaid patent, and that a new patent be granted

(d) Name of
patentee

to him as assignee of the said (d)

in accordance with the amended description and specification of the said invention, for the unexpired period for which the original patent was granted.

Place

Dated this day of 19...

(e) To be signed
by the applicant

(e)

NOTE.—The above form is to be altered to suit the case when the application for the re-issue is made by the administrator or executor of a deceased patentee.

SURRENDER TO ACCOMPANY PETITION FOR
RE-ISSUE

(FORM 6)

To all to whom these presents shall come, (a)

(a) Name, full
address and call-
ing of patentee......within named,
sends greeting:—Whereas the patent hereto attached, for a new and useful
improvement in (b)(b) Title of in-
vention......
is deemed defective, or inoperative, by reason of insufficient
description, or specification, and the error arose from inad-
vertence, accident or mistake, without any fraudulent or
deceptive intention, and the Commissioner of Patents accord-
ingly, in pursuance of the statute in such respects, hath
agreed to accept the surrender of the same; now know ye,

that the said (c)

(c) Name of
patentee.within named, doth by these presents, surrender and yield
up the hereto attached patent, granted to him for new and
useful improvements in (d)(d) Title of in-
vention......
and bearing date the day of

19...

In witness whereof, the said (e)

(e) Name of pa-
tentee.

.....hath set his hand

and affixed his seal this day of

A.D. 19....

(f)

(L.S.)

(f) To be sign-
ed by the patent-
tee.

Signed, sealed and delivered at (g)

(g) Place where
executed in full.

County of

Province or State of

in the presence of, (h)

(h) Signature of
witness.NOTE.—The above form is to be altered to suit the case
when the surrender of the original patent is made by an
assignee, of the whole interest or the administrator, or the
executor of a deceased patentee.

POWER OF ATTORNEY.

(FORM 7)

To the Commissioner of Patents, Ottawa :(a) Name, full
address and call-
ing.

The undersigned, (a).....

(b) Name and
full address.

and hereby appoints (b).....

his attorney, with full powers of substitution and revocation,
to prosecute an application for new and useful improvements(c) Title of in- in (c)
vention.to make alterations and amendments therein, to sign draw-
ings, to receive the patent, and to transact all business in
the Patent Office connected therewith.

Signed at (place).....

this.....day of.....19..

(dd) To design-
ed by inventor
and witness.

(d).....

In presence of (d).....

REVOCATION OF POWER OF ATTORNEY.

(FORM 8)

To the Commissioner of Patents, Ottawa :

The undersigned (a)..... (a) Name, full
address and call-
ing.

.....
.....
.....
having on or about the..... day

of.....19...appointed (b)..... (b) Name of at-
torney and full
address.

.....
his attorney to prosecute an application for a patent for
a new and useful improvement in (c)..... (c) Title of in-
vention.

.....
hereby revokes the power of attorney then given.

Signed at (place).....

this..... day of.....19..

(d)..... (dd) To be sign-
ed by inventor
and witness.

In the presence of (d).....

SPECIFICATION.

(FORM 9)

FOR A MACHINE.

(Sole Inventor.)

To all whom it may concern:—

(a) Insert name, full address and calling.

Be it known that I (a).....

.....
.....
.....
having invented certain new and useful improvements in

(b) Insert title of invention to be the same in all papers.

(b).....

(c) Insert the name of the country, number and date if foreign patent or patents has or have issued; if none omit the words preceding reference letter (c)

for which I have obtained a patent in (c).....

.....

.....

do hereby declare that the following is a full, clear and exact

description of the same.

(d) Example, specification and drawing

(d) My invention relates to improvements in meat-chopping machines in which vertically-reciprocating knives operate in connection with a rotating chopping-block; and the objects of my improvement are, first, to provide a continuously-lubricated bearing for the block; second, to afford facilities for the proper adjustment of the knives independently of each other in respect to the face of the block; and, third, to reduce the friction of the reciprocating rod which carries the knives.

I attain these objects by the mechanism illustrated in the accompanying drawing, in which—

Figure 1 is a vertical section of the entire machine; Fig. 2, a top view of the machine as it appears after the removal of the chopping-block and knives; Fig. 3, a vertical section of a part of the machine on the line 1, 2, Fig. 2; and Fig. 4, a detailed view in perspective of the reciprocating cross-head and its knives.

Similar letters refer to similar parts throughout the several views.

The table or plate A, its legs or standards BB, and the hanger c, secured to the under side of the table, constitute the frame-work of the machine. In the hanger c turns the shaft D, carrying a fly-wheel E, a crank pin, on the hub of which is connected by a link b to a pin passing through a cross-head G, and to the latter is secured a rod H, having at its upper end a cross-head I, carrying the adjustable chopping knives d d, referred to hereinafter.

The cross-head G, reciprocated by the shaft D, is provided with antifriction rollers e e, adapted to guides f f, secured to the under side of the table A, so that the reciprocation of this cross-head may be accompanied with as little friction as possible.

To the under side of a wooden chopping-block J is secured an annular rib k adapted to and bearing in an annular groove i in the table A. (See Figs. 1 and 2.) This annular groove or channel is not of the same depth throughout, but communicates at one or more points (two in the present instance) with the pockets or receptacles j j, deeper than the groove, and containing supplies of oil in contact with which the rib k rotates, so that the continuous lubrication of the groove and rib is assured. The rod H passes through and is guided by a central stand K, secured to the table A, and projecting through a central opening in the chopping-block without being in contact therewith, the upper portion of the said stand being contained within a cover l, which is secured to the block, and which prevents particles of meat from escaping through the central opening of the same.

The cross-head I, previously referred to, and shown in perspective in Fig. 4, is vertically adjustable on the rod H, and can be retained after adjustment by a set-screw z, the upper end of the rod being threaded for the reception of nuts, which resist the shocks imparted to the cross-head when the knives are brought into violent contact with the meat on the chopping-block.

The knives d d are adjustable independently of each other and of the said cross-head, so that the coincidence of the cutting-edge of each knife with the face of the chopping-block may always be assured.

I prefer to carry out this feature of my invention in the manner shown in Fig. 4, where it will be seen that two screw-rods m m rise vertically from the back of each knife and pass through lugs n n on the cross-head, each rod being furnished with two nuts, one above and the other below the lug through which it passes. The most accurate adjustment of the knives can be effected by the manipulation of these nuts.

A circular casing *p* is secured to the chopping-block, so as to form on the same a trough *P* for keeping the meat within proper bounds; and on the edge of the annular rib *A*, secured to the bottom of the block, are teeth for receiving those of pinion *g*, which may be driven by the shaft *D* through the medium of any suitable system of gearing, that shown in the drawing forming no part of my present invention.

This shaft *D* may be driven by a belt passing round the pulleys *e*, or it may be driven by hand from a shaft *W*, furnished at one end with a handle *t*, and at the other with a cog-wheel *R*, gearing into a pinion on the said shaft *D*.

A platform *T* may be hinged, as at *w*, to one edge of the table *A*, to support a vessel in which the chopped meat can be deposited. The means by which it may be supported, and the most convenient method of disposing of it when not in use, are shown in Fig. 1.

I am aware that prior to my invention meat-chopping machines have been made with vertically-reciprocating knives operating in conjunction with rotating chopping-blocks. I therefore do not claim such a combination broadly; but

What I do claim as my invention, and desire to secure by letters patent, is—

1. The combination, in a meat-chopping machine, of a rotary chopping-block having an annular rib, with a table having an annular recess and a pocket communicating with the said recess, all substantially as set forth.
2. In a meat-chopping machine, the combination of a rotary chopping-block with a reciprocating cross-head carrying knives, each of which is vertically adjustable on the said cross-head independently of the other, substantially as described.
3. The knife *d*, having two screw-rods, *m m*, attached to its back, substantially as shown, for the purpose specified.
4. The combination, in a meat-chopping machine, of the reciprocating rod, carrying the knives, the cross-head secured to the said rod, and having anti-friction rollers, with guides, adapted to the said rollers, all substantially as set forth.

(e) To be signed
by the inventor.

(e)

Place and date

Signed in the presence of

(f) Signatures of
two witnesses.

(f)

.....

NOTE.—See instructions in regard to specifications on page 20.

SPECIFICATION.

(FORM 10.)

FOR AN ART OR PROCESS.

(Joint Inventors).

To all whom it may concern:—

Be it known that We, (a)

(a) Insert names, full addresses and calling.

.....
.....
.....
have jointly invented a certain new and useful process of (b)

(b) Insert title of invention, to be the same in all papers.

.....
.....
.....
for which we have obtained a patent in (c)

(c) Insert the name of the country, number and date of foreign patent or patents has or have issued; if none, omit the eight words preceding reference letter (c).

do hereby declare that the following is a full, clear and exact description of the same.

(d) In the purification of hydrocarbon oils produced by the distillation of crude petroleum, asphalt, or bitumens, or by the destructive distillation of coal, resins, or bituminous shales, the oils are agitated with 2 per cent. or more of concentrated sulphuric acid (60° Baumé, 1.86 specific gravity), in order to remove certain oils contained in the distillate which would, in course of time, absorb oxygen from the air, and cause the oil to become dark-coloured and gummy, and also to remove tarry substances and the disagreeable odour. Sulphuric acid combines chemically with these bodies and dissolves them, forming a dark-red, heavy liquid, which settles on the bottom of the agitator, and can then be readily drawn off from the purified oil. This peculiar compound of sulphuric acid and hydrocarbon oils, dissolved in the excess of acid, is known as "sludge." At present it is purchased by superphosphate manufacturers, who mix it with a little water, which decomposes the compound of acid and oil, producing a weaker acid (about 50° Baumé) used in the manufacture of superphosphate of lime, and a dark-coloured offensive oil which rises to the surface of acid and usually is thrown away, no commercial use having been found for it. This waste product is called "sludge-oil."

(d) Example, specification and claims.

The mode of practicing our invention is as follows: In our process, when the sludge has been decomposed by the addition of water, the sludge oil is drawn off, and is then purified by repeated washings with water, until the acid remaining in it is removed. For this purpose equal volumes of water and sludge oil may be used; but the washing can be effected by a less quantity of water. The acid remaining in the oil, if any, is then neutralized with quicklime or caustic soda. The purified oil has a strong and somewhat disagreeable odour, and contains about 10 per cent. of volatile oils, which are converted into a hard resin with difficulty. To remove these volatile substances, the sludge oil thus purified is introduced into a still with the addition of from 2 to 4 per cent. of caustic soda and about 2 per cent. of the oxides of lead or manganese, to oxidise any sulphurous body which may be in the oil and combine with it, and steam is then blown through the oil, the oil being kept hot either by a fire under the still or by the use of steam heated to the required temperature (between 212° and 450° Fahrenheit). The action of the steam is continued until no more volatile oils are removed, usually from five to ten hours. The steam is then shut off, and the contents of the still allowed to settle, when a sediment of tarry impurities and soda subsides, from which the pure oil may be drawn off. The oil is then introduced into a still or tank, and oxidised by blowing currents of air through it, the oil being kept at a moderate temperature (from 200° to 300° Fahrenheit), either by a slow fire under the still, or by a steam coil in the bottom of the tank, or by heating the air by a hot-blast oven to the proper temperature before it is blown through the oil, and the action of the air is continued until complete oxidation is effected, and a sample on cooling solidifies to a more or less hard resin.

The time required to effect the oxidation varies with the working temperature and with the extent of surface of oil brought in contact with the air. We may define it as between four and twelve days. The action of the air upon the oil is stopped when samples on cooling, taken from the contents of the still, are found to be of the proper degree of hardness and toughness for the particular purpose to which the product is to be applied, and after letting the contents of the still settle the hot resin is drawn off from the sediment of soda and impurities.

The action of the air may be accelerated by adding other oxidising agents—for example, about 2 per cent. of the oxides of lead or manganese, or about 2 per cent. of the manganates of soda and potassa to the oil. These substances act either by giving up oxygen to the oil or by their presence inducing a combination of the oxygen and the hydrocarbon.

An inferior quality of resin may be produced by treating the washed sludge oil in a still with caustic soda and litharge (5 per cent soda to 1 to 2 per cent litharge) and blowing a current of air through it at about the temperature of 350° Fahrenheit, which at the same time oxidises the oil and removes the more volatile portions, which are distilled off until it is converted into a resin, which, on cooling, becomes hard and brittle. This process last mentioned requires from two to six days, but the resin produced is darker in colour than that made by first treating with steam and then with air at a lower temperature, as the colouring matter is not affected by the steam at 400°, while air at that temperature rapidly darkens it by oxidation. Sunlight bleaches the colour of sludge oil, and, at the same time, greatly accelerates the absorption of oxygen from the air. To produce the lightest-coloured resins the sludge oil is steamed with 5 per cent of a solution of soda, 20° Baumé, at a low temperature (about 200° to 250° Fahrenheit for ten hours), to remove the more volatile portions, and then oxidised and bleached by exposing the oil, in shallow tanks covered by glass, to the action of the sunlight, the oil being kept hot and fluid by a steam coil in the bottom of the tank, and currents of air blown through it to produce the oxidation.

Inferior qualities of sludge oil, as those produced in the purification of lubricating oils, and which contain a large quantity of tarry substances, are treated as follows: The oil is charged into a still, and caustic soda and black oxide of manganese, in the proportion of about 5 per cent, of soda and 2 per cent, of manganese, are added, and the charge distilled by a current of steam blown through the oil, assisted by a fire under the still, until only tar and coke remain behind. The distillation commences at about 350° Fahrenheit, and, the fire being increased, the temperature in the still gradually rises to about 800°, when only the thick pitch remains in the still.

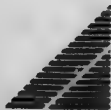
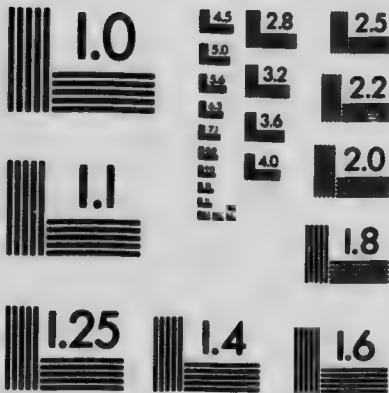
By the use of steam under pressure the oil can be distilled with scarcely any decomposition, and the distillate, which is of a yellow light-red colour, can be converted into a superior resin by oxidising it with a current of hot air. The resin produced by this oxidation of sludge oil is distinguished from all other known resins and resinous substances by its behaviour with different chemicals and solvents. It varies in colour from yellow to dark garnet red, according to the method of its production. It is hard, brittle, and odourless at ordinary temperatures, tasteless, insoluble, and not acted upon by water, soda, potassa, and ammonia, even when heated.

Alcohol of 95 per cent, dissolves but small quantities of this resin, even when boiled with it. Petroleum-naphtha dissolves it very quickly without the aid of heat, producing



MICROCOPY RESOLUTION TEST CHART

(ANSI and ISO TEST CHART No. 2)



APPLIED IMAGE Inc

1653 East Main Street
Rochester, New York 14609 USA
(716) 482 - 0300 - Phone
(716) 288 - 5989 - Fax

a varnish. Spirits of turpentine readily dissolves the melted resin, forming a varnish. Benzole, chloroform, and bisulphide of carbon all dissolve the resin, the solution being aided by warming. Ether and a mixture of ether and alcohol, in equal parts, quite readily dissolve it, but not so readily as pure ether. Linseed oil and olive oil dissolve the melted resin. A solution of the resin in linseed oil and spirits of turpentine forms an "oil varnish." Concentrated sulphuric acid dissolves it completely; the resin separates again on adding water. Nitric acid attacks it violently and converts it into a brown tarry or gummy substance, having a pleasant, peculiar odour. Hydrochloric acid seems to have little or no action on it.

It is well known that it has been proposed to use sludge oil as a paint oil, but this has not been attended with practical success. We do not wish to be understood, however, as making claim, broadly, to a process for freeing sludge oil from the acid by the use of water and caustic alkalies, or by still further purifying it by subjecting it to distillation, or by blowing steam through it, for the purpose of removing impurities, all of which, it is well known, have been practised since the discovery of the present process of refining petroleum. Nor do we wish to be understood as laying claim in this application to the resinous substances produced by our process, as that forms the subject-matter of another application by us for letters patent.

We claim—

1. The process herein described for producing from sludge oil a resinous substance possessing the properties described, which consists in combining the oxygen of the air with the sludge oil with the aid of a moderate degree of heat.

2. The process of producing from sludge oil a substance of a resinous character, which consists in treating the sludge oil while heated to a moderate temperature, with the air and with other oxidizing agents, substantially as described.

3. The process of treating sludge oil in order to obtain from it a resinous substance, which consists in purifying such oil, distilling from it the volatile substances present therein, heating the residue to a temperature of from 200° to 300° Fahrenheit, and blowing air into it while it is so heated, substantially as described.

(e) To be signed
by joint inven-
tors.

(e)

(Place and date)

Signed in presence of

(f) Signatures of
two witnesses.

(f)

NOTE.—See instructions in regard to specifications on page 20.

SPECIFICATION.

(FORM 11.)

FOR A COMPOSITION OF MATTER.

(Administrator.)

To all whom it may concern:—

Be it known that I, (a) (a) Insert name,
full address and
calling.

am the administrator of the estate of (b) (b) Insert name
of deceased in-
ventor and his
late address and
calling.

and that the said (c) (c) Name of de-
ceased.

did invent a certain new and useful composition of matter
to be used for (d) (d) Insert title
of invention, to
be the same in all
papers.

for which I, or he the said (e) (e) Name of de-
ceased inventor
or administrator.

obtained a patent in (f) (f) Insert name
of country, num-
ber and date of
foreign patent or
patents has or
have issued; if
none, omit the
eleven words pre-
ceding the refer-
ence letter "f".

of which the following is a specification:

The composition of the said Benjamin Browning consists of
the following ingredients, combined in the proportions stated,
viz.:

Water substantially pure.	500 gallons.
Unslacked lime.	350 pounds.
Soda-ash (sodium carbonate).	100 pounds.
Saltpeter (nitrate of an alkali metal).	20 pounds.
Sulphur (preferable flowers of sulphur).	10 pounds.

These ingredients are to be thoroughly mingled by agitation.

In using the above named composition the hides should first be freed from all salt and impurities, by soaking green hides one day and dry hides eight days. The hides so cleaned are then placed in the said solution, and allowed to remain in it forty-eight hours. They should then be removed from the solution and unhaired in the usual way.

By the use of the above composition the hair is speedily and thoroughly loosened, and the hides, while retaining all that portion of the substance which can be converted into leather, are at the same time entirely cleaned from grease and other substances which would prevent them from being tanned quickly.

I am aware that a composition consisting of soda-ash-water, lime, and sulphur has been used for the same purpose, and that a patent therefor was granted to (g)

(g) Insert name of patentee, date and number, of patent, if none, omit eight words preceding reference letter (g).

I am also aware that saltpeter has been used in depilatory processes; but I am not aware that all of the ingredients of my composition have been used together.

What I claim, and desire to secure by letters patent is—

1. The herein-described composition of matter, consisting of water, unslacked lime, soda-ash, saltpeter, and sulphur, substantially and for the purpose specified.

2. The herein-described composition of matter for depilating and preparing hides for tanning, consisting of pure water five hundred gallons, unslacked lime three hundred and fifty pounds, soda-ash one hundred pounds, saltpeter twenty pounds, and flowers of sulphur ten pounds, substantially as described.

(h) To be signed by the administrator.

(h)

(Place and date)

Signed in presence of (i)

(i) Signatures of two witnesses.

.....

NOTE.—See instructions in regard to specifications on page 20.

OATHS.

(FORM 12.)

OATH BY SOLE INVENTOR.

Name of Country }
 Province or State }
 County }

I, (a)..... (a) Name, full
 address and call-
 ing.

make oath and say, that I verily believe that I am the inven-
 tor of the new and useful improvements in (b)..... (b) Title of in-
 vention to be the
 same in all
 countries.

described and claimed in the specification relating thereto,
 and for which I solicit a patent by my petition, dated the.....
 day of..... 19..

And I further say that the same has not been patented
 to me or to others with my knowledge or consent, except

in the following countries (c)..... (c) Insert the
 country or coun-
 tries, giving the
 date and number
 of each patent.
 If not previously
 patented omit
 the five words
 preceding refer-
 ence letter (c)
 and insert the
 words "in any
 country."

And I further say that the several allegations contained
 in the said petition are respectively true and correct.

(d)..... (d) To be signed
 by inventor.

Sworn before me at (place).....

the..... day of..... 19..

(e)..... (e) Signature of
 officer before
 whom oath is
 taken.

NOTE.—See instructions regarding oaths on page 17.

OATH BY JOINT INVENTORS.

(FORM 13.)

Country
Province or State }
County

(a) Names, full
addresses and
calling.

We, (a)

do hereby severally make oath and say:

(b) Name of first
mentioned joint
inventor.

1st. I, this deponent, (b)

for myself do hereby make oath and say that I verily believe

(c) Name of
second mention-
ed joint inventor.
(d) Title of in-
vention to be the
same in all papers

that I and the said (c)

are the inventors of the new and useful improvements in (d)

described and claimed in the specification in duplicate re-
lating thereto, for which we solicit a patent by our petition,
dated the day of 19...

and I further say that the same has not been patented to
us or to others with our knowledge or consent, except in

(e) Insert the
country or coun-
tries, giving the
date and number
of each patent.
If not previously
patented, omit
the five words
preceding the re-
ference letter (e)
and insert the
words "in any
country."

the following countries (e)

and I further say that the several allegations contained in the
said petition are respectively true and correct.

2nd. I, this deponent, (f).....

(f) Name of second mentioned joint inventor.

.....for myself do here-

by make oath and say, that I verily believe that I and the

above named (g).....

(g) Name of first mentioned joint inventor.

are the inventors of the new and useful improvements in (h)

(h) Title of invention as given above.

described and claimed in the specification in duplicate, relating thereto, for which we solicit a patent by our petition

dated.....the day of.....19..

and I further say that the several allegations contained in the said petition are respectively true and correct.

(i).....

(i) To be signed by joint inventors in the order mentioned.

Sworn before me, at (place).....

by the said (j).....

(j) Full names of joint inventor.

the.....day of.....19..

(k).....

(k) Signature of the officer before whom oath is taken.

NOTE.—See instructions regarding oaths on pages 17 and 18.

OATH FOR A RE-ISSUE BY INVENTOR.

(FORM 14.)

Country
Province or State }
County

(a) Name and
full address and
calling.

I, (a).....

make oath and say that the several allegations contained
in my petition, dated the.....day of
.....19....for a reissue of the
patent granted to me on the.....day of
.....19....for new and use-

(b) Title of in-ful improvements in (b).....
vention.

are respectively true and correct.

That I am the sole owner of the patent; and that I am the
inventor of the improvement set forth and claimed in the
amended specification in duplicate relating thereto.

(c) To be signed
by the inventor.

(c).....

Sworn before me at (place).....

this.....day of.....19..

(d) Signature
of officer before
whom the oath
is taken.

(d).....

NOTE.—If the patent has not been exclusively assigned
it must be stated in the oath that the application for the
re-issue is made with the consent of the assignee or assignees.

OATH FOR A RE-ISSUE BY ASSIGNEE OF THE
ENTIRE INTEREST.

(FORM 15.)

Country
Province or State }
CountyI, (a) (a) Name, full
address and call-
ing.make oath and say that the several allegations contained
in my petition, dated the day of 19..... for the re-
issue of the patent granted to (b) (b) Name, full
address and call-
ing of the origin-
al patentee.for new and useful improvements in (c) (c) Title of in-
vention to be the
same in all
papers.

are respectively true and correct.

That I am the sole owner of the said patent; and that (d) (d) Name of or-
iginal patentee.
.....
was the inventor of the improvements set forth and claimed
in the amended specification in duplicate relating thereto.(e) (e) To be signed
by the applicant.

Sworn before me at (Place)

..... the day of

..... 19.....

(f) (f) Signature of
the officer before
whom the oath
was taken.

PETITION FOR A CAVEAT.

(FORM 16.)

To the Commissioner of Patents, Ottawa:

(a) Name, full address and calling.

The undersigned, (a).....
.....
.....
.....

an intending applicant for a patent who has made certain

(b) Title of invention, new and useful improvements in (b).....
.....
.....
.....

and has not perfected his invention, prays that his specifica-

(c) A description of the invention, as far as possible, should follow and refer to letters of reference and drawings.

tion may be filed as a caveat in the Patent Office (c).....
.....
.....
.....
.....

(d) To be signed by the inventor.

(d).....

NOTE.—See instructions regarding caveats on page 58.

OATH FOR CAVEAT.

(FORM 17.)

Country
Province or State
County

I, (a)..... (a) Full name,
address and call-
ing.

.....
.....
make oath and say that I am the inventor of the invention
described in the foregoing specification, and that the allega-
tions contained therein are respectively true and correct.

(b)..... (b) To be signed
by the inventor.

Sworn before me at (place).....

.....
the..... day of

..... 19.....

(c)..... (c) Signature of
the officer before
whom oath is
taken.

ASSIGNMENTS.**ASSIGNMENT OF AN ENTIRE INTEREST (OR AN
UNDIVIDED ONE-HALF INTEREST IN AN
INVENTION BEFORE THE ISSUE OF PATENT).**

(FORM 18.)

In consideration of.....dollar,

(a) Full name of assignee, address and calling. to me paid by (a).....
.....
.....(b) Name only of assignee. I do hereby sell and assign to (b).....
.....all (or an undivided half of all) my right, title and interest in and to my(c) Insert same title of invention as in the papers for application for patent. invention for new and useful improvements in (c).....
.....
.....

as fully set forth and described in the specification which I have signed preparatory to obtaining a patent; and I do hereby authorize and request the Commissioner of Patents,

(dd) Name only of assignee. to issue the said patent to the said (d).....
.....

(or jointly to myself and the said) (d).....

.....in accordance with this assignment.

Witness my hand and seal this.....

(e) Place where executed. day of.....19.....at (e).....
.....

(f) To be signed by the inventor.

(f).....(L.S.)

NOTE.—See instructions regarding assignments on page 39.

**ASSIGNMENT OF AN ENTIRE INTEREST
IN A PATENT.
(FORM 19.)**

In consideration of

dollars, to me paid by (a).....
(a) Full name and address of assignee and calling.

I do hereby sell and assign to the same (b).....
(b) Name only of assignee.

all my right, title and interest in and to the Patent of Canada

number (c).....
(c) Insert number of patent, title of invention same as in patent and date.

for new and useful improvements in

granted to me on the day of

19... the same to be held by and enjoyed by the said (d).....
(d) Name only of assignee.

.....to the full end of the term
 for which said patent is granted, as fully and entirely as
 the same could have been held and enjoyed by me if this
 assignment and sale had not been made.

Witness my hand and seal this

day of 19...

at (e).....
(e) Place where executed.

(f)..... (L.S.) (f) To be signed by the patentee.

NOTE.—See instructions regarding assignments on page 39.

DISCLAIMER.

(FORM 20.)

(a) Full name,
address of pa-
tenteo and call-
ing.

I, (a).....

having on the.....day of.....

19.....obtained a patent for the Dominion of Canada, for

(b) Insert same
title of invention
as in original
patent.

certain new and useful improvements in (b).....

and through mistake, accident or inadvertence, without any wilful intent to defraud or mislead the public, I have made the claim in my specification too broad (or as being the inventor of a material or substantial part of the invention patented of which I was not the inventor, and to which I had no legal right); I, therefore, hereby disclaim the part of the claim in the specification, which is in the following words:

"I also claim the use of the lever A, in combination with crank D, as described."

(c) To be signed
by the patentee.

(c).....

(Place).....

The.....day of..

19.....

Signed in duplicate in presence of

(d) Signatures
of two witnesses.

(d).....

List of Libraries receiving the Canadian Patent Office Record;
arranged alphabetically according to countries.

(See page 70.)

AUSTRALIA

The Australasian Institute of Patent Agents, Melbourne.
The Parliamentary Library, Melbourne.
The Department of Patents, Melbourne.
Public Library of Victoria, Melbourne.
Public Library, Perth.
The Registrar of Patents, Perth.
The Patent Office, Sydney.
Public Library, Sydney.
The Registrar of Patents, Tasmania.

AUSTRIA

Imperial Patent Office, Vienna.

BELGIUM

Musée Commercial.
Ministère des Travaux Publics et de l'Industrie, Brussels.

CAPE OF GOOD HOPE

The Honorable Colonial Secretary.

CANADA

Province of British Columbia:—

Public Library, Vancouver.
The Legislative Library, Victoria.
Public Library, New Westminster.

Province of Manitoba:—

The Legislative Library, Winnipeg.
Public Library, Winnipeg.

Province of New Brunswick:—

Public Library, Fredericton.
The Public Library, St. John.

Province of Nova Scotia:—

The N.S. Institute of Science, Halifax.
The Legislative Library, Halifax.

Province of Ontario:—

Mechanics' Institute, Baden.
The Public Library, Belleville.

Province of Ontario—Continued.

The Public Library, Berlin.
The Mechanics' Institute, Chatham.
The Public Library, Clinton.
The Public Library, Cobourg.
The Public Library, Drayton.
The Mechanics' Institute, Fergus.
The Public Library, Fort Francis.
The Mechanics' Institute, Galt.
The Mechanics' Institute, Gananoque.
The Mechanics' Institute, Glencoe.
The Mechanics' Institute, Gravenhurst.
The Public Library, Guelph.
The Hamilton Free Library, Hamilton.
The Library, School of Mining, Kingston.
The Queen's College Library, Kingston.
Lancaster Public Library, Lancaster.
The Public Library, London.
The Mechanics' Institute, Midland.
The Mechanics' Institute, Orillia.
The Mechanics' Institute, Oshawa.
The Archives, Ottawa.
The Carnegie Library, Ottawa.
The Parliamentary Library, Ottawa.
The Patent Office, Ottawa.
The Mechanics' Institute, Owen Sound.
The Mechanics' Institute, Penetanguishene.
The Mechanics' Institute, Peterborough.
The Public Library, Port Perry.
The Public Library, Sarnia.
The Public Library, Smith's Falls.
The Mechanics' Institute, Strathroy.
The Public Library, St. Mary's.
De LaSalle Normal School College, Toronto.
The Library, School of Practical Science, Toronto.
The Parliamentary Library, Toronto.
The Public Library, Toronto.
The Public Library, Uxbridge.
The Public Library, Waubesaushene.
The Mechanics' Institute, Whitby.
The Public Library, Windsor.
The Public Library, Woodstock.

Province of Saskatchewan:—

The Public Library, Regina.

Province of Quebec:—

Pettes' Memorial Library, Knowlton.
Antiquarian Society, Château de Ramesay Museum,
Montreal.

Provinces of Quebec—Continued

Chambre de Commerce Française, Montreal.
The Fraser Institute, Montreal.
The Macdonald College Library, Macdonald College, P.Q.
The Library, McGill University, Montreal.
The Mechanics' Institute, Montreal.
The Montreal Bar Association, Montreal.
The Parliamentary Library, Quebec.
Arts and Library Association, Sherbrooke.
The Public Library, Westmount.

ENGLAND

The Reference Free Library, Birmingham.
Little Bolton Library, Bolton.
City Library, Bristol.
The Public Library, Brighton.
Free Library and Museum, Blackburn.
Free Library, Beverley.
Free Library, Carlisle.
Free Library, Chester.
Public Library, Cornwall.
Free Library, Crewe.
Free Library, Darlington.
Free Library, Dorchester.
Free Library, Falmouth.
Free Library, Gateshead.
Free Library, Grimsby.
Free Library, Hanley.
Free Library, Mechanics' Institute, Halifax.
Free Library, Hereford.
Public Library and Art Gallery, Huddersfield.
Free Library, Hull.
Free Library and Museum, Ipswich.
Free Library, Keighley.
Free Library, Kidderminster.
The Mechanics' Institute, Lancaster.
Free Library, Leeds.
Public Free Library, Liverpool.
Board of Trade, London.
Free Library, British Museum, London.
Free Library, Society of Arts, London.
The Patent Office, London.
Royal Colonial Institute, London.
Free Library, Maidstone.
Free Library, Manchester.
The Mechanics' Institute, Newark.
Literary and Philosophical Society, New Castle-upon-Tyne.
Public Library, Newport.

England—Continued

Free Library, Northampton.
Free Library, Norwich.
Free Library, Nottingham.
Free Library, Oldham.
Free Library, Oxford.
The Mechanics' Institute, Plymouth.
The Institution, Avenham, Preston.
Board of Health Offices, Rotherham.
Royal Museum and Library, Salford.
Free Library, Sheffield.
Public Museum, Shrewsbury.
Corporation Library, Southampton.
Free Library, Stockport.
Free Library, Sunderland.
Public Library, Swansea, Wales.
Public Library, Taunton.
Free Library, Wolverton.
Science and Technical School, Wolverhampton.
Artillery Institute, Woolwich.
Lower Council Chamber, York.

FRANCE

Académie de Sciences, Paris.
Conservatoire de Arts et Métiers, Paris.
Bibliothèque Nationale, Paris.

GERMANY

Bibliothek Derkonigh Techu, Aachen.
Polytechnische Schule, Aix-la-Chapelle.
Der Director der Herzoglichen Bibliothek, Gotha.
Polytechnische Schule, Hanover.
Société Industrielle, Mulhouse.
Königliche Bibliothek, Munich.
Kaiserliche Universitäts Bibliothek, Strassburg.
Bibliothek des Musterlagers, Stuttgart.

IRELAND

The Queen's College, Belfast.
Royal Dublin Society, Dublin.
Free Library, Dundalk.
Free Library, Waterford.
The Mechanics' Institute, Wexford.

JAPAN

The Patent Office, Tokio.

NETHERLANDS

Ministère de l'Intérieur, The Hague.
Bibliothèque de l'Ecole Polytechnique, Delft.

NEW ZEALAND

The Patent Office, Wellington.

RUSSIA

Bibliothèque Impériale, St. Petersburg.
Imperial Technological Institute, St. Petersburg.

SCOTLAND

The Mechanics' Institute, Aberdeen.
Stirling's Library, Glasgow.
Trades Library, Montrose.
Government School of Design, Paisley.
Free Library, Wigan.

SOUTH AMERICA

Argentine Republic:—

M. le Secrétaire d'Etat, Buenos-Ayres.
Oficiiana de Patents de invencion, Buenos-Ayres.
Department de Ingenieros Civiles, Buenos-Ayres.

SPAIN

M. le Secrétaire d'Etat, Madrid.

SWEDEN

Kongl. Patent och Registreringsverket, Stockholm.

UNITED STATES OF AMERICA

California:—

Library Leland Stanford Jr. University, Stanford.
Mechanics' Institute, San Francisco.

Colorado:—

State Library, Denver.

Dakota:—

The Library, Department of Emigration and Statistics,
Bismark.

*United States of America—Continued.**Illinois :—*

The John Crerar Library, Chicago.
The Newberry Library, Chicago.
The Public Library, Chicago.

Indiana :—

Morrison-Reeves Library, Richmond.
Rose Polytechnic Institute, Terre-Haute

Maryland :—

The Peabody Institute, Baltimore.

Massachusetts :—

The State Library, Boston.
The Public Library, Boston.

Michigan :—

The Public Library, Detroit.

Minnesota :—

The Duluth Public Library, Duluth.
The Minnesota Historical Society, St. Paul.

New Hampshire :—

Hillside Library, Manchester.

New Jersey :—

The Free Public Library, Newark.

New York :—

State Library, Albany.
Brooklyn Public Library, Brooklyn.
Grosvenor Public Library, Buffalo.
Cornell University Library, Ithaca.
The New York Public Library, New York.

Ohio :—

The Public Library, Cincinnati.
Cleveland Public Library, Cleveland.

*United States of America—Continued.**Pennsylvania:—*

Franklin Institute, Philadelphia.
The Free Library of Philadelphia, Philadelphia.
Philadelphia Library Company, Philadelphia.
The Carnegie Library, State College.
Carnegie Library, Pittsburg.

Vermont:—

Fletcher Free Library, Burlington.

Wisconsin:—

The State Historical Society of Wisconsin, Madison.
Library of University of Wisconsin, Madison.

Washington, D.C.:—

The Catholic University, Washington, D.C.
The Library of Congress, Washington, D.C.
The Smithsonian Institute, Washington, D.C.
The United States Patent Office Library, Washington, D.C.

WEST INDIES

The Hon. Colonial Secretary, Antigua.
The Public Library, Barbadoes.
The Honorable Colonial Secretary, Jamaica.

INDEX

	PAGE.
Abandonment of application for patent.	14
Abstracts from Register of Assignments.	41
Acting Deputy Minister of Agriculture may act as Deputy Commissioner of Patents (Sect. 5. Sub.-sect. 2)	6
Amendments to specification and claims.	21
Annual report to Parliament.	70
Appeal to Deputy Commissioner from Examiner's decision.	25
Appeal to Governor General in Council (Section 19.) ...	28
Appeal from judgment declaring a patent void (Sect. 37)	44
Application for patent, What constitutes a complete ..	9
Application for patent, Incomplete.	12
Application for patent restricted to one invention unless connected.	11
Application for patent contains more than one invention, If.	12
Application for patent presents without fee.	13
Application for patent receives filing date under certain conditions.	13
Application for patent may be re-instated.	14
Applicant responsible for his allegations.	6
Applicant responsible for delay in transmission of application.	15
Applicant not aided in selection of an Attorney.	7
Applicant recommended to employ skilled Attorney.	7
Applicant cannot be assisted by the Patent Office in preparing his application.	7
Applicant refused preliminary searches by Patent Office	7
Applicant notified when Commissioner objects to grant patent. (Section 18.)	28
Applicant dies while application for patent is pending, If.	11
Applicant dies before making application for patent, If	11
Applicant's personal appearance unnecessary.	7
Arbitration procedure.	30

INDEX—Continued.

	PAGE.
Assignments, (Sections 26, 27, and 28).....	39
Assignment before issue of patent.....	39
Assignment after issue of patent.....	40
Assignment under certain conditions returned to sender, Original.....	40
Assignment, or other instrument referring to two or more patents.....	40
Assignment presented for registration relating to expired patent.....	40
Assignment containing errors discovered after registra- tion.....	41
Assignment without date of execution.....	41
Assignment responsible for its validity, Person filing...	41
Assignment may be drawn in either the French or English language.....	41
Assignment to be accompanied with a copy.....	39-40
Assignments furnished, Abstract from Register of.....	41
Assignment of Caveat refused registration.....	60
Attorney, Powers of.....	8
Attorneys, No registration of.....	8
Attorney recommended by the Patent Office, Skilled...	7
Attorneys, Patent Office declines aid in selection of....	7
Attorney's power may be revoked at any time and sub- stitute appointed.....	8
Caveat (Section 46).....	58
Caveat, Documents required for filing a.....	59
Caveat will be refused, Registration of assignment of...	60
Caveat recommended, Filing of drawings of.....	60
Caveat, Filing of a second.....	60
Caveat not confined to resident of Canada, Filing of a...	58
Caveat fee.....	61
Claims in an application for patent, how drawn.....	20
Claims, Third copy of.....	19
Clerical errors (Section 58).....	67
Commissioner of Patents, Minister of Agriculture shall be the (Section 3).....	5

INDEX—*Continued.*

	PAGE.
Commissioner, Duties of (Section 4)	8
Communications to Patent Office, how addressed.....	6
Compulsory License System (Section 44).....	51
Compulsory License system, Rules when enforcing.....	54
Conflicting applications for patent (Section 20).....	29
Copies of Office documents.....	62
Copies of drawings.....	63
Copy of lost or destroyed patent (Section 59).....	68
Correspondence, how conducted.....	6
Correspondence carried on with Applicant or Attorney..	6
Deputy Commissioner, Deputy Minister of Agriculture shall be (Section 5)	6
Deputy Commissioner given same power as the Commis- sioner (Section 5).....	6
Disclaimers (Section 25).....	38
Divisional applications.....	12
Documents for an application for patent, how prepared.	10
Domicile in Canada by applicant for patent, Election of (Section 11).....	18
Drawings required for an application for patent, Number and kind of.....	22, 24
Drawings recommended for caveat.....	60
Duration of patent (Section 23).....	33
Examination of applications for patent (Section 15)...	25
Exchequer Court, Reference to (Section 45).....	58
Exchequer Court has jurisdiction in cases of conflicting applications.....	32
Extensions already granted for manufacture or import- ation, Validity of (Section 41).....	49
Extracts from granted patents may be made by the public.....	67
Expiry of foreign patents does not affect Canadian patents.....	16
Expounding the Law by Patent Office refused.....	7
Falsely marking an article as patented (Section 65)....	71
False entries are indictable offence (Section 66).....	72
Fees, Patent Office tariff of (Section 47).....	61

INDEX—Continued.

	PAGE.
Fees, how paid.	62
Fee payable on an application for re-issue of patent.	37
Fee for recording an assignment.	39, 40
Fee payable on filing a caveat.	60
Fee payable on a disclaimer.	39
Fee for registration of judgment <i>pro tanto</i>	42
Fees for office copies.	62, 63, 68
Fees quoted before ordering copies, if desired.	63
Fees deposited by Patent Office, to credit of Minister of Finance (Section 50).	64
Fees, Refund of (Section 51).	64
Fees in tariff in full for all services by Patent Office (Section 49).	64
Filing date of application for patent, Conditions for.	13
Foreign patent has been issued, When (Section 8).	14, 15
Foreign patent has issued time for filing Canadian patent cannot be extended, When.	16
Foreign patent does not affect Canadian patent, Expiry of.	16
Foreign vessels, Use of patented invention in (Section 53).	65
Government may use patented invention (Section 52).	65
Holidays intervene, When legal.	72
Impeachment and other legal proceedings in respect to patents (Section 29).	41
Impeachment of patent, Proceedings for (Section 34).	43
Importation and manufacture of patented invention (Section 38).	45
Importation may be extended, Term for (Section 40).	48
Improvements may be patented (Section 9).	16
Injunction and appeal (Section 32).	43
Inquiries as to patented inventions.	7
Insane inventor, Application for patent for.	10, 17
Inspection of documents by the public (Section 56).	66
International Convention.	73
Interpretation of law refused by Patent Office.	7
Invention defined (Section 2).	5
Inventor dies before applying for patent, If.	11
Inventor dies after filing application for patent, If.	11

INDEX—Continued.

	PAGE.
Interviews with examiners permitted	26
Judgment voiding a patent to be filed in the Patent Office (Section 36)	44
Judgment <i>pro tanto</i> , Registration of	42
Legal holidays intervene, When	72
Legal representatives, defined (Section 2)	5
License system, Compulsory (Section 44)	51-57
Libraires receiving Patent Office Record	101
Manufacture and Importation of patented inventions (Section 38)	45
Manufacture may be extended, Term for (Section 39) ..	45-47
Medical compounds	11
Miscellaneous cases, how decided	8
Models and specimens dispensed with, except in special cases	25
Models of patented inventions, Sale of (Section 57)	67
Money paid through error	73
Notice of intention to apply for patent	15, 16
Novelty of invention elsewhere as in Canada	12
Oath for application for patent by inventor, joint inventors, administrator, executor, or guardian of insane person (Section 10)	17
Oath should be taken, Before whom	17
Oath executed more than three months not accepted ..	18
Oath by joint inventors may be subscribed at different places	18
Offences and penalties (Section 64)	71
Office hours	72
Officers and clerks of the Patent Office appointed by Order-in-Council (Section 5)	6
Officers and clerks of the Patent Office not to deal in patents (Section 61)	69
Parliament, Special Act of	35
Partial fees, Payment of	34
Patent Office attached to the Department of Agriculture (Section 3)	5
Patent, Who may obtain a (Section 7)	9
Patents are dated and issued, When	73

INDEX—Continued.

	PAGE.
Patent shall contain and confer, What a (Section 21) ..	32
Patent, Form of issue of (Section 22)	33
Patent Office tariff of fees (Section 47)	61
Patent, Payment of second or third term of	34
Patents are not printed	63
Patent not to affect a previous purchaser (Section 54) ..	66
Patent, Duration of	33
Patent Office Record, Canadian	70
Patented, What may not be	10
Patented article to be stamped or marked (Section 55) ..	66
Penalty for default in not marking patented inventions (Section 64).	71
Personal appearance of inventor not required unless called by Commissioner	7
Postage free to and from Patent Office within Canada ..	6
Postal service, Delay through fault of	15
Powers of Attorney	8
Power of Attorney should not be included in petition for patent.	18
Power of Attorney cannot be used for any subsequent action after patent has issued	8, 54
Power of Attorney may be revoked at any time	8
Preliminary searches not made by Patent Office	7
Protests against issue of patents.	73
Prosecution of Application to save it from abandonment ..	22
Publications by the Patent Office.	70
Public inspection of Patent Office records	67
Refund of fees (Section 51)	64
Refusal to grant patents (Section 17)	27
Re-issue of patents (Section 24)	35-38
Revival of fallen applications for patents	14
Rights of third persons (Section 43)	51
Rules and forms of Patent Office	69
Rules for guidance under Compulsory License system ..	54-57
Seal of Patent Office (Sections 22, 35 and 60)	33, 43, 60
Specification shall show, What	19, 20
Stop orders	13

INDEX—Continued.

	PAGE.
Telegrams.....	73
Title of inventions (Section 12)	18
Trade mark registration in some cases recommended..	11
Validity of certain patents granted before August 13, 1903 (Section 42)	50
Withdrawal of application for patent (Section 16)...	26

INDEX TO FORMS.

Petition by sole inventor.....	74
By joint inventor.....	75
By administrator or executor.....	76
For re-issue by inventor.....	77
For re-issue by assignee.....	78
For caveat.....	96
Surrender to accompany petition for re-issue.....	79
Power of Attorney.....	80
Power of Attorney, Revocation of.....	81
Specification for a machine, sole inventor.....	82
For an art or process, joint inventor.....	85
For a composition of matter by administrator	89
Oath by sole inventor.....	91
By joint inventors.....	92
For re-issue by inventor.....	94
For re-issue by assignee of entire interest.....	95
For caveat.....	97
Assignment before issue of patent.....	98
After issue of patent.....	99
Disclaimer after patent	100

